THE COLONIAL RECORDS OF THE STATE OF GEORGIA

F
281
C72
V.18

VOLUME XVIII.

STATUTES ENACTED BY THE ROYAL LEGISLATURE OF GEORGIA FROM ITS FIRST SESSION IN 1754 TO 1768.

COMPILED AND PUBLISHED UNDER AUTHORITY OF

THE LEGISLATURE

BY

ALLEN D. CANDLER, A. M., LL. D.

AMS PRESS
NEW YORK

Reprinted from the edition of 1904–1916, Atlanta
First AMS EDITION published 1970
Manufactured in the United States of America

International Standard Book Number:
Complete Set 0–404–07260–7
Volume 18 .....0–404–07278–X

Library of Congress Number: 70-138087

AMS PRESS INC.
NEW YORK, N.Y. 10003

PREFATORY NOTE

At the suggestion of some of the most learned lawyers in Georgia and most careful students of Georgia jurisprudence, we are including in this and the following volume literal transcripts of the acts of the royal legislature of the province from the incumbency of Captain John Reynolds, the first royal governor, up to the final withdrawal of royal government in 1782. Of these old statutes many have never been in print at all, and those that have ever been have for many years been entirely obsolete and do not appear in any of the compilations, digests, or the Codes of Georgia laws. They will be found to be of much interest, not to the mere case lawyer, but to those members of the bar who study law as a science and endeavor to ascertain the cause and reason for the enactment of each statute by the legislature; for instance, at the establishment of royal government in the province, scarcely anything was done without express authority of the legislature. The qualified voters elected members of the legislature, and the legislature elected all other civil officers from the Governor down. In addition to that no toll bridge, ferry, turn-pike, nor any other similar enterprise could be undertaken by private companies without specific authority from the legislature. The rates of toll were always fixed by the legislature in the charters granted to such enterprises, and all the rights, privileges and immunities enjoyed by such companies were prescribed in their charters. These legislative enactments regulating such companies are the foundation, the mud-sills, of all our corporation laws of today. As is well known to every lawyer, about half the civil business transacted in our courts at this time is connected with or grows out of corporations, banks, railroads, insurance companies, etc., and hence the study of these old corporation laws, enacted by the royal legislature before Geor-

gia was a State, is not only interesting but profitable to the practitioner who desires to fully qualify himself to deal in our courts with questions in which the rights of the people on the one hand and the rights of corporations on the other are involved.

Many of these old statutes have been sought for and found in the archives rooms of our capitol, and those not found there were secured from the British Public Record Offices in London, where, up to this day, every paper relating to the colony of Georgia while she was a British province, has been carefully preserved.

The Commons House of Assembly, which enacted these statutes, was elected by the qualified voters of the province. The Upper House was composed of counselors appointed by the crown. This House was made to conform as nearly as possible to the British House of Lords. No bill could originate in the Upper House. They had power, after the Lower House had inaugurated measures, to review them and suggest such amendments as in their judgment would improve the proposed laws, but they could not amend a bill at all. All they could do was to suggest. Thus the two Houses of the Legislature were constituted, and when a bill had met the approval of both Houses it was transmitted to the Governor, who represented the King, for his approval or disapproval. If he approved the measure, it was put into effect at once; if he vetoed it, that was the end of it; but even after the Governor had approved a bill and it had been put into effect, it was sent to London to be passed upon by the King and his Council there. If approved by the King and Council, it stood as a permanent law. There was no prescribed time in which it should be approved or disapproved by the King. Sometimes a bill was allowed to remain operative in the province for two or three years, and then it was taken up by the King and Council and vetoed, when it became inoperative.

We have exhausted every means to make this compilation perfect, but it is possible, and indeed probable, that some Acts may have been lost, but none of very great importance. At all events, the compilation is believed to be as complete as it is possible to make it after the lapse of so many years.

COLONIAL ACTS OF GEORGIA.

(B. P. R. O., Board of Trade.)

AN ACT

For Regulating the Militia of this province and for the Security and better Defence of the same—

Whereas the Situation of this province is such that it cannot but sufficiently convince every reasonable Man of the necessity the Inhabitants are under of being well arm'd and trained up in the Art Military, as well for the Honour and Service of his Most Excellent Majesty as the preservation of our lives, and fortunes; We therefore humbly pray His Most Sacred Majesty that it may be enacted and be it enacted by the Governor, Council and Assembly of this His Majesty's province of Georgia, and by the Authority of the same, That it shall and may be lawful to and for the Governor or Commander in Chief for the time being to Assemble and call together all Male persons in this province from the Age of sixteen to sixty years, within the Towns Divisions or Districts and places in this province, at such Times and Arm and array them in such manner as is hereafter expressed, and declared, and to Form them into Companies, Troops & Regiments; and in case of Insurrection, Rebellion, or Invasion them to lead conduct or employ, or cause to be led conducted and employed, As well within the said Towns, Divisions Districts and places

Preamble

Enacted

All Male Persons from the Age of 16 to 60 years liable to bear arms.

places, where such persons reside, as into any other Division District or places, within this province for suppressing all such Insurrections and Rebellions and repelling such Invasions as may happen to be. And whereas the said Governor or Commander in Chief for the Time being, hath full power and authority from Time to Time to constitute appoint and give Commissions to such persons as he shall think fit to be Colonels, Majors, Adjutants, Captains and other Commissioned Officers of the said persons so to be armed, arrayed and Weaponed; Be it therefore enacted, by the authority aforesaid, That in every Division within this province there shall be formed one or more Regiment or Regiments, and within every District in the respective Divisions one or more Company or Companys which said Regiments and Companies shall consist of such number of men as the Governor or Commander in Chief for the Time being shall think proper.

2d. Regiments to be formed in every Division or District.

3d. Field Officers in each Regiment to settle the Division of the Companies in each District.

Be it further enacted by the Authority aforesaid. That the several Field Officers who shall be in Commission or the Majority of them in each respective Regiment are hereby fully authorized and impowered to settle and ascertain the Division of the Companies in each District under their Command, if they shall think it necessary to Divide the Inhabitants into more Companies, than one, provided the same be done agreeable to the Directions and Regulations Prescribed by this Act.

Be it further enacted by the Authority aforesaid. That it shall and may be lawful to and for the Colonel

Colonel or in his absence, the next field Officer of every Regiment hereafter to be formed in this province, on any days and Times when any three or more of the Companies of the Militia shall be assembled (to be trained mustered or exercised) within Ten Miles of one another, to cause such Companies to assemble together at some convenient place within the Division or District of Such Regiment to which such Companies shall respectively belong, and there to Train and exercise such *Compan*[s] in Battalions, in such manner and Form as such Colonel or other Field Officer shall think Fit, anything in this Act to the contrary notwithstanding Excepting all Companies that may hereafter be formed upon any Islands along the Sea Coast, in this province. And in the mean Time the Inhabitants of the said Islands shall not by this Act be obliged to appear but at ordinary Musters and at the nearest place of Muster, three times a Year.

4th. Every Colonel when three or more Companies are within Ten Mile of each other may Assemble them together to be exercised in Battalion.

Be it further enacted by the Authority aforesaid, That every Captain or other inferior commissioned Officers of any Company within this province, who shall refuse or neglect, to conduct, or lead his Company or to attend the same to the place of Randezvous of any General Muster hereby appointed, or to the exerciseing of the Companies in Battalion according to the directions of this Act, every such Captain and other inferior commissioned Officer of any Company, who shall so refuse or neglect as aforesaid, shall for every such Offence, forfeit and pay the Sum of Three pounds Sterling, and the Said

5th. Penalty on Officers who neglect their Duty.

Said Offences Shall be hear'd, tryed, and determined, and the said Fines Levyed, in the same way and manner, as other Offences of Captains or other Commanding Officers of Companies, by this Act are directed to be tryed, heard, determined & levied.

6th.

Company's may be mustered at any Time not exceeding six Times in a Year.

Be it further Enacted by the Authority aforesaid, That it shall be lawfull for every Captain or other commanding Officer of the Several Companies, in this province, to assemble, Muster, train, and exercise their respective Companies, or any of them, for Ordinary Musters at any Time or times throughout the Year, giving Notice of such Muster by Beat of Drum or in Such other Expeditious Manner as such Captain or other Commanding Officer shall think fitt, Provided always that it shall not be lawfull to assemble any of the said Company's for ordinary Musters above Six Times in one year provided also and it is hereby declared that no person or persons whatsoever, shall be compelled or Obliged, at any general Muster, to goe out of the Division, where such person resides, nor at ordinary Musters, to goe above 12 Miles from where he dwells nor to remain at the place of such general or Ordinary Musters above one day, except in Time of actual Rebellion, Insurrection or Invasion, or other cases herein after particularly mentioned and provided nor shall this Act or any thing herein Contain'd be deemed, construed or taken, to extend to the giving or declaring any power, for Transporting or sending any of His Majestys Subjects in this province or any way Compelling them, to March out of this province.

No Person obliged to goe out of his Division on general Musters nor above 12 miles from his place of Residence at ordinary Musters.

Be

7.
All Male Inhabitants from 16 to 60 years Age shall be enlisted.

Be it further Enacted by the Authority aforesaid, That the Captains of the several Companies in each Division or District in this province shall respectively enter enlist and enroll, the names of all the Male Inhabitants of this province, from the Age of Sixteen to Sixty years, within their several and respective Districts & Division, and Shall cause the severall persons so inlisted to be duly Summoned to appear at the Times and places appointed for ordinary Musters, in each respective District and Division & the publishing the Muster Days as aforesaid shall be deem'd a sufficient Summon within the Intent of this Act to oblige the person lyable to appear at such Musters, and the persons whose names shall be so entered, inlisted and enroll'd shall be deem'd & held to be inlisted in and to belong to the Company of that District or Division in which they shall be so enlisted and enroll'd & shall be obliged to appear at Musters, and on all other Occasions, and to be subject to the directions of this Act without any further Notice whatsoever.

8.
How each person shall be armed.

Be it further Enacted by the Authority aforesaid, that every person lyable to appear and bear Arms at any Muster, exercise or training hereby appointed pursuant to the Direction of this Act, shall constantly keep in his House, or at his usual place of abode, and bring with him at such muster Exercise or training one Gun or Musquet fit for Service, one Cartridge Box with at least nine Cartridges filled with good Gun powder and Ball that shall fit his Piece a Horn or Flask containing at least

a

a quarter of a pound of Gun Powder and a Shott Pouch with Bullets proportionable to the Gun. powder, one Girdle or Belt, one Worm, and Picker, four spare Flints, a Bayonet Sword or hatchet of the fitness and sufficiency of which Arms, every Commanding Officer of the Company to which such person belongs, is hereby declared to be the Judge.

9th. Fines for such as do not appear compleatly armed.

Be it enacted by the Authority aforesaid, That in case any person lyable to appear and bear arms, at Musters as aforesaid shall neglect or refuse to appear compleatly armed and furnished as aforesaid at any General Muster of the Regiment to which the Company in which he is entered and enlisted shall belong every Such person shall forfeit & pay a Sum not exceeding ten Shillings Sterling, and in case any such person shall neglect or refuse to appear in manner aforesaid at every ordinary Muster every such person shall forfeit, and pay a Sum not exceeding five Shillings Sterling, which Said Several Penalties shall be recovered and dispos'd of as is herein after directed.

10. The Officers may visit peoples Houses to View their arms, etc.

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawfull for the Commission Officers of any of the Companies of this province, Six times in a year, and not oftener, to take to their Assistance, if they think fit the Serjeants of such Company's and at any convenient time of the Day to repair to the places of residence, of any person or persons, as well those persons who are obliged to appear, on alarms, as to other persons lyable to bear arms, and enter'd and enlisted, in any such

such company, and to demand a sight of their Arms, Furniture, Ammunition and Accoutrements, aforesaid, and in case persons, shall refuse to produce. any such Arms, Furniture, Ammunition and Accoutrements, or to Suffer the same to be viewed and inspected, or if when produced the said Officers shall find the same defective it shall and may be lawfull for the said Officers to Fine every person offending herein, in any Sum not exceeding five Shillings Sterling and to proceed against him or them for levying the same, in all respects after the same manner as is directed for proceeding against persons who do not appear at ordinary Musters.

11. —ex Companies mustering on special occasions to be accounted as one of the Six Times on which they are obliged to muster in one year.

And whereas it may be convenient and necessary on some particular and special Occasions to assemble the said *Company*[s] at other Times than are Usually fixed for ordinary Musters. It is therefore further Enacted and declared Thta when ever, any of the said Companies shall be Assembled or Mustered, on any particular and Special Occasion, Such Assembling and mustring Shall be esteemed and accounted as a Muster Day and one of the Six Times on which the said Companies are obliged to Muster in one year, provided always, That the said General Muster of any of the said Companies according to the Directions of this Act shall be esteemed and Accounted as and for one other of the Six Times on which the said Companies are obliged to Muster in one Year, anything in this Act to the contrary notwithstanding, Provided also that no Company or Companies, in this province be asembled

But not muster on special Occasions without the order of the Commander in Chief, unless for suppressing Insurrections etc.

bled on such special and particular Occasions without the Order, Command or direction of the Governor or Commander in Chief of this province for the Time being Provided also that this Clause shall not be construed to hinder the assembling of any of the said Companies or parts thereof for suppressing Insurrections, Pirates, Sea Rovers, or Fugitive Slaves.

12. A Troop or Troops of Horse to be formed, etc.

And whereas it may very much contribute to the safety and welfare of this province to have a Troop or Troops of Horse in readiness on particular and extraordinary Occasions. Be it further Enacted by the Authority aforesaid, that the Governor or Commander in Chief for the Time being be hereby authorized and impower'd from amongst the Inhabitants of this province who have sufficient substance to undergo the charge and will voluntarily come and inlist to Form a Troop or Troops of Horse, not exceeding in the whole two Hundred men, and to appoint and Commission proper Officers to command such Troop or Troops and to Muster, train and exercise them not less than four Times in one Year, at Savannah or such other place, as the Governor or Commander in Chief shall direct and appoint.

13. to be Armed and Cloathed Horse how

Be it further Enacted by the Authority aforesaid, That every person, who shall inlist in the said Troop or Troops so to be formed shall provide himself with a Good and able Horse (his own property) and with such Cloaths, Arms, Ammunition and furniture as the Majority of the Officers shall agree upon

upon and every person or persons so inlisted in the said Troop or Troops shall be excused and exempted from all service whatsoever in any other Regiment, Troop or Company whatsoever (the patrol Duty excepted) provided no person whatsoever shall be admitted to inlist in the said Troop or Troops unless he Shall be first approved by the Colonel of the said Troop or Troops and every person so inlisted Shall obtain a Certificate from the Colonel of the said Troop or Troops, which Certificate the person so enlisted shall produce to the Captain or commanding Officer of the Company of such Division or District where the person so enlisted shall live and reside, and until the person so enlisted shall have produced and Shewn such Certificate he shall be lyable and subject to all the penalties and Forfeitures, inflicted by this Act, for not keeping arms, or not appearing at the Musters Trainings and execises directed by this Act, and the person so enlisted, shall not be discharged from the same without giving Three Months Notice in writing to the Colonel, or other Commanding Officer of the said Troop or Troops, of his Intent to be Discharged, and Shall produce a Certificate, at the End of the said three Months to such commanding Officer that he is enlisted in the foot Company of the Division or District where he resides and upon such Notice given, and certificate produced, he shall be discharged from the said Troop, to which he belongs, and not otherwise.

Be it further Enacted by the Authority aforesaid

14. The said Troop to attend the Governor wherever their service may be required.

said, That in Time of any actual Rebellion Insurrection or Invasion the said Troop or Troops shall attend the Governor or Commander in Chief for the Time being, in any part of this province where the Governor or Commander in Chief shall go or be in person, and in such Times of Rebellion, Insurrection or Invasion, shall march ride or go to any place within this province, where the said Governor or Commander in Chief for the Time being shall Judge their service shall or may be required, and shall on all other Occasions attend the said Governor or Commander in Chief, upon Notice given or by being personally summoned, by any person appointed for that purpose by the Colonel or other Commanding Officer of the Troop or Troops, and if any person inlisted in the said Troops or either of them shall neglect or refuse to appear at the Days and times appointed for Musters, or upon due Summon on other Occasions, upon able Horses and with such Cloaths, Arms and other Accoutrements, as the Majority of the Officers shall agree upon, every such person shall forfeit a Sum not exceeding twenty Shillings Sterling, to be applyed recovered & disposed as is herein after directed.

Penalty for non-appearance.

15. Persons within the Province three Months liable to bear Arms. —ex

Be it further Enacted by the authority aforesaid, That every able Male person from the age of Sixteen to Sixty years who has once resided & shall be *without* this province for the space of Three Months (Slaves excepted) is hereby declared to be lyable to bear Arms in the Regiment, Troops or Companies in this province, or some or one of them,

according

according to the Directions of this Act, except the severall persons herein after particularly mentioned who shall be excused and exempted from appearing at General and Ordinary Musters, at such Times and in Such Manner as is herein after mentioned and provided (that is to Say) all such persons who are members of his Majesty's Council & their Officers, for the time being, the members of the Assembly for the Time being and their Officers, the Chief Justice & Justices of the Court of common Pleas, the Attorney General, the Attorneys of the said Court, the Clerk of the Crown and Pleas, the provost Marshal the Master and Register of the high Court of Chancery for the time being, the Judge of the Vice Admiralty, the Officers of his Majesties Customs, the Surveyer General of His Majesties Lands in this province, the Clergy, the Chatechist of Savannah for the Time being, be Public Treasurer, powder receiver, Comptrolers, Waiters and Commissary, for the Time being, his Majesties Justices of the peace who shall actually qualify them selves, and act as such and no other, Provided, that all the persons aforesaid (the members of his Majesty's Honourable Council and of the Assembly, and their Officers & the pilots and Ferrymen only excepted) shall in the Time of Rebellion, Insurrection or Actual Invasion, attend under the proper Colours of the Company, in the Division or District in which such person shall actually live or reside, completely Armed and Furnished as in this Act is Directed for the foot Soldiers, or shall attend the Governor or Commander in Chief for the Time being with Horse and Arms

Persons exempted from musters.

Arms in the same manner as the Troops are herein before directed, on pain of Forfeiting the Sum of Ten pounds Sterling.

16. This paragraph relates only to Servants or Apprentices.

Be it further Enacted by the Authority aforesaid, That every Master or other person who hath the power over Government or Command of any Indented Man Servant, who Shall be employed within this province, Shall at his or their own, proper Costs and Charges, furnish and provide every such Indented Servant, during his Servitude with the Arms and Furniture directed by this Act, and every Master and other person as aforesaid shall constantly keep such Arms and furniture as aforesaid for every Such Indented Servant, and Shall Send him or them so compleatly Armed and Furnished as aforesaid, to all Musters Trainings and exercise directed by this Act, and in Case such Indented Servant Shall not appear or his Arms and Furniture should be found deficient, the Master or other person as aforesaid having the Government of such Indented Servants shall on default made in any of the premises, be subject to the same Forfeitures and Penalties as are inflicted on other persons made liable by this Act to appear and bear Arms, at Exercises, Musters and Trainings Provided always That if any Such Servants as aforesaid who shall be duely furnished and provided as is herein before directed and Shall be Sent to Muster, by the Master or any other person under whose Government, such Servant shall be, shall of his own accord, and contrary to the Will, and without the consent of the Master or such other person as aforesaid neglect

or

or refuse to appear at any Training Muster or Exercise appointed by this Act, the Master or other person under whose Government such servant May be, Shall be liable to the penalties by this Act inflicted, for the Default of Such Servants and every Such Servant so offending as aforesaid shall be obliged, to serve the said Master, Two Weeks for every penalty so paid by his Master or other person, as aforesaid, and if any Servant shall imbezzle sell or make away with the arms so to be provided for him as aforesaid, he Shall be lyable to make his Master or other person, under whose Government such Servant may be full Sattisfaction.

17. Six months given to Free'd Servants to provide themselves with Arms, etc.

Be it further Enacted by the Authority aforesaid, that every Servant in this province, who Shall be Freed or discharged from his Service shall be allowed Six Months time after such discharge to provide himself with the Arms and Furniture by this Act directed and required, and until the said Six Months Shall be expired, shall be freed and exempted from the Mulcts or penalties inflicted by this Act.

18. No process to be serv'd on persons going to or returning from Musters.

Be it further Enacted by the Authority aforesaid, that no civil officer whatsoever Shall on any pretence, execute any process (unless for Treason Felony or Breach of the peace) on any person whatsoever, at any Muster or other Time, when such person Shall be obliged to bear Arms, in pursuance of the Direction of this Act, nor in going to or returning from any Muster or place of Rendezvous or within twenty four hours after such person

son Shall be discharged from appearing in the Regiment, Company or Troop to which he shall belong under the penalty of two pounds Sterling, and the Service of such process on any Such person is hereby declared to be absolutely Void to all intents & purposes whatsoever and all Arms and Furniture which are by this Act required to be provided, by any person whatsoever shall not be liable to be seized, distrained or taken in Execution for any Cause Matter or thing whatsoever. And in case any person Shall seize, levy or distrain upon any Such Arms or Furniture contrary to this Act every Such person shall Forfeit the Sum of two pounds Sterling, to be Sued for and recovered as is hereafter directed.

19. Penalty and punishment on such as disobey their Officers or will not fire.

Be it further Enacted by the Authority aforesaid, That in Case any person who Shall be obliged to Bear Arms, whilst the Regiment, Troop or Company to which he Shall belong shall be under Arms or in Array, shall neglect or refuse, to fire his Gun not Exceeding Six Times each Muster day, or Shall Wilfully neglect or refuse to do his Duty, or to obey the other Lawfull Commands of his Officer, the Majority of the Officers of the Troop or Company, to which Such person belongs, if the Offence Shall be committed in a Single Troop or Company, or any two field Officers of the Regiment to which Such person shall belong, if the Offence Shall be committed in a Single Troop or Company, or any two field Officers of the Regiment to which Such person shall belong, if the Offence shall be committed in a Regiment shall have full power and Authority to

to inflict on the person so offending any pecuniary Mulct not exceeding Ten Shillings sterling and in case any person Shall be disobedient, or raise any Mutiny or Sedition in Such Regiment Troop or Company under Arms or in array such person Shall be liable to a Fine not exceeding one pound Sterling, and the Said Officers respectively over and beside Such pecuniary Mulct, may imprison or confine the Offenders until Such Time as the Regiment Troop or Company to which the Offenders Shall belong Shall be discharged from bearing Arms, on the Occasion for which they Shall be assembled. And in case Such Offender Shall be a Servant, and Shall not forthwith pay such fine imposed, as is last abovesaid; the said Officers respectively may inflict Corporal punishment on Such Servants by Whipping not exceeding twenty lashes.

For the better regulating the militia.

And be it further Enacted by the Authority aforesaid, that in case any person obliged to bear Arms, Shall remove from one District Division or place to any other, it Shall be Lawfull for the Captain or Commanding Officer of the Company to which Such person last belonged, to Levy the penalties inflicted by this Act, for non appearing at Musters, or for not having or being provided with Sufficient Arms and furniture in the same manner as if Such person had not removed from the District Division or place to which He belonged, untill Such Time as the person so removing shall produce a Certificate from the Colonel or Commanding Officer of the Troop or from the Captain or the Commanding Officer of the Company of the Division or District into which Such

20. Persons removing from one District to another.

Such person Shall remove, that Such person is entered, inlisted and enrolled in the Company of Such Captain or Commanding Officer, of the Division or District to which Such person is removed.

21. In times of Invasion or Insurrection the Governor is to publish an Alarm & may Assemble as many Regiments throughout the province as shall be thought sufficient to suppress the same.

And whereas to repell the Invasion of any public Enemy and to Suppress any dangerous Insurrection or Rebellion it may be absolutely necessary to Assemble and Raise the greatest part of the Militia of this province, Be it therefore Enacted by the Authority aforesaid, that if the Governor or Commander in Chief for the Time being Shall receive Advice, from any person or persons, in Authority under his Majesty, his Heirs or Successors or other Credible person or persons in Foreign parts, or if he shall receive from any Credible person or persons within this province information on Oath that any foreign Enemy, or Armed Force Shall suddenly intend to Invade this Province, or of any dangerous Insurrection or Rebellion Shall be actually raised within this province which cannot be suppressed by one Single company it Shall and may be Lawfull for the said Governor or Commander in Chief for the Time being by and with the Advice & Consent of his Majesty's Council for the Time being in this province to raise and assemble Such and so many of the Regiments Troops & Companies by this Act directed, to be formed as the said Governor or Commander in Chief, by and with the advice and Consent aforesaid Shall think sufficient and able to Suppress and repel Such Invasion Rebellion or Insurrection as may happen or be. And for the more effectual execution thereof it Shall and may be lawfull for the

the said Governor or Commander in Chief of this province for the Time being by and with the advice & consent aforesaid to make and publish, or Cause to be made and published an alarm throughout the Whole province by firing Six Guns, two, at a time, at three Minutes distance, or by Sending Orders and expresses to the field Officers or other Officers of the Militia's to raise their Several and respective Regiments Troops or Company's or Such part of them as shall be ordered and directed to March —— Rendezvous, at Such proper times and places, within this province as the said Governor or Commander in Chief for the Time being Shall think fit. And the said Alarm Shall be Carryed on throughout the whole province by all the Commissioned Officers of the Militia by firing three small arms at convenient intervals from place to place, and by Speedy raising their Several Company's, and taking all other proper and effectual Measures to give Notice of the Motion of the Enemy, and forwarding with the utmost Expedition all necessary Information to the Governor or Commander in Chief for the Time being, and by putting in Execution all Such Orders as they Shall receive from their Superior Officers.

22. Alarms shall be carryed on by every person hearing the same.

And be it further Enacted by the Authority aforesaid, That an Alarm Shall be made by any Commissioned Militia Officer by firing three small Arms on Sight of any Enemy, or on Information of any Enemy appearing or Mischief done by an Enemy, from any White Man of Credit who hath seen the Same, of the Credit of which Informer the said Officer

Officer Shall be Judge, And every Alarm Shall be carried on by all persons hearing or having Knowledge of the same by firing three small Arms distinctly as usual. And the said Officer who fired the Alarm, shall raise the Company of which he is an Officer, by beat of Drum, or by ordering Men to Warn their next Neighbours, 'till the Company can be gott together, And also the commanding Officer of the said Company Shall with all convenient speed, dispatch two Expresses one to the Governor or Commander in Chief, for the time being and the other to the next field Officer of the Regiment to which the said Company belongs with an account of the Cause of the Alarm, so made, upon which Notice the said Field Officer shall have power to raise any Number of Men of the Regiment he belongs to, to March to the Assistance of the Inhabitants of this province who are in danger.

23. Penaltys on persons disobeying in times of alarm.

And be it further Enacted by the Authority aforesaid, that if any person whatsoever, who by this Act is lyable to Bear Arms, shall in Time of Such Alarm, neglect or refuse to Use his Utmost Means and Endeavours, to convey and communicate the said Alarm or Notice of the Enemys approach, every Such person shall forfeit, and pay the Sum of Five Pounds Sterling. And in Case any Such person after he hath Notice of an Alarm does not forthwith Repair compleatly Armed and Accoutered as aforesaid with all convenient speed, to the place where the Regiment, Troop or Company, to which he Shall belong, shall be appointed to Randezous, every Such person shall forfeit Ten pounds Sterling, And

And in case the Company or Troop to which Such person Shall belong Shall actually engage and fight with the Enemy before such persons shall appear in the said Regiment Troop or Company, in every such case, the person not appearing as aforesaid, shall forfeit Twenty pounds Sterling.

24. Pirates, Sea Rovers, Indians and fugitive Slaves how to be suppressed.

And Whereas several parts of this province lying on the Sea Coast are exposed to the Depredations of Pirates and Sea Rovers & many Inland places are in Danger of Incursions from Indians, and are frequently infested with fugutive Slaves, whose sudden attempts may prove fatal to many of His Majesty's subjects before Notice can be given to his Majesty's Governor, Therefore for the more effectual preventing, repelling and Suppressing such Sort of Mischiefs, Be it Enacted by the Authority aforesaid That it Shall and may be lawfull for every Commissioned Officer in the Militia when Occasion Shall require to assemble Arm and Raise any number of men belonging to their respective Companies, for which they Shall be commissioned and appointed, and if need be to give Notice and call to their aid the Officers and Men of any adjacent Company, to disperse, suppress, kill, destroy, apprehend take or Subdue, any Pirate, Sea Rover, Indian or other Enemy, who shall in a hostile manner hurt or attempt to hurt any of his Majesty's Subjects in their persons or possessions, or any Company of Slaves, who shall be met together, or who Shall be lurking in any suspected places, where they may do Mischief or who Shall have absented themselves from the Service of their Owners, And in case any person

person whatsoever who by this Act is liable to bear Arms, shall neglect or refuse to appear upon Notice given by any Commissioned Officer of Y^e^ Troop or Company to which Such person belongs, or appearing Shall not attend and obey the said Officer compleatly Armed, and furnished According to the Directions of this Act, every Such person for every Such neglect or refusal shall forfeit the Sum of twenty Shillings Sterling.

25. Patrols in Times of Invasion, etc.

And Whereas in Time of Invasion if the Militia of the whole province were to be assembled great dangers might arise from the insurrections or other Wicked Attempts of Slaves, For the prevention thereof, Be it enacted by the Authority aforesaid, That, in Time of Invasion or Insurrection, and when it Shall be found necessary to March the Several Regiments, Troops or Company's, or any of them out of their proper Counties Districts or Divisions, one fourth part at least of every Company in this province shall stay and remain, in the respective District or Division to which they belong and Shall be formed into Patrols, under the Command of Such Officers, as the Commissioned Officers of the Company shall direct and appoint untill the Governor or Commander in Chief shall Commission & appoint a Commander or Officer for each of Such Patrolls, under whose Command respectively they Shall continue, untill the rest of the Company shall return to their Habitation, and Shall be discharged from bearing arms, And the patrol so formed Shall be obliged to be on constant Duty, and to ride and Patrol and Guard the plantations and keep

keep the Slaves within their several Divisions and Districts in good order and shall place proper Guards Watches and Centinels at proper and convenient places to give Notice of danger or for the more Speedy conveying Advices and intelligence to the Governor or Commander in Chief of this Province, or any Army which Shall be raised & Assembled by his Command, And in case any person or persons whatever, who Shall Stay and remain as Aforesaid in any of the Divisions or Districts to which he or they may belong shall neglect or refuse, to ride patrol or to Watch stand Centinel or keep Guard or do any other Duty hereby enjoin'd or required, or Shall refuse to obey the Lawfull commands of any person who shall be appointed to command such patrol, every person so offending shall forfeit any Sum not exceeding Ten pounds Sterling.

26. In times of Invasion the names of so many persons as shall be ordered out of their Division shall be drawn.

And that no unequal Burthen may be laid on the Inhabitants of this province, Be it enacted by the Authority aforesaid That in all Times of Invasion Rebellion or Insurrection when any person shall receive orders to March out of their Division or District the Captain or other Commanding Officer who Shall be present shall cause the Names of all the persons who are entered inlisted and enrolled in the Muster Roll, of such Company (Officers Excepted) to be wrote down on Small Scrolls of paper, which Shall be folded up and put into a Hatt, and Shall be Shaken together, and the Clerk or Sergeant of Said Company shall draw out of the Hatt the names of so many persons as will not exceed

exceed three fourths parts of the said Company and the persons whose names Shall be So drawn, Shall be obliged to March According to such Orders as Shall be given by the Governor or Commander in Chief, and According to the Directions of this Act, and the rest whose names shall be left in the Hat Shall stay in their respective District and Divisions, and Shall do the Duty of the Patrol, hereby directed to be performed Provided always that no Officer of any Company shall be excused from Marching with the Company for which he is appointed unless by particular Orders from the Governor or Commander in Chief, ——— Shall be directed otherwise, in which Case such Officer so Directed to Stay Shall be Commanding Officer of that part of the Company, which Shall be so left in their Several Districts, Provided also That if any person whose Name shall be drawn as aforesaid and who Shall thereby be obliged to March, out of his District or Division can provide an able Man, to be approved by the Majority of the Officers in the Company to which Such person belongs compleatly armed and Furnished according to the directions of this Act, every such person Shall be permitted and at Liberty to do so, and upon producing and Sending out such able Man in his Stead shall be excused from going out or marching in person, provided also that the person who provides and Sends another person in his Stead shall be Still obliged to serve in the patrol to be formed according to the directions of this Act, and Shall be Subject to all the penalties and Forfeitures by this Act inflicted on Such as shall be guilty of disobedience or Shall neglect or refuse

—ex

They may send able Men in their Stead.

fuse to ride in such Patrol, anything herein contained to the contrary thereof in anywise notwithstanding.

27. Provisions Horses Boats etc. may be impressed in Times of Alarm by any Officer.

And be it further Enacted by the Authority aforesaid, that in the Time of any Alarm made upon any Insurrection Rebellion or Invasion all field Officers and Captains of every Company be & they are hereby impowered, by themselves or their Warrant to any Inferior Officer or Soldier to impress any provisions, Horses, Boats, Canons, Pirauguas and Vessels with their Furniture or whatever other Things they Shall want or have need of for the Service of this province, Provided always that all provisions, Horses, Boats, Canons Piraugua's and Vessels and whatever other things impressed as aforesaid by the proper Officer hereby impower'd be by the said Officer brought before three or more indifferent persons being Freeholders and having Judgment in the respective things so impressed and brought before them to be appraised and valued before it be dispos'd of for the Service of this province; And that when the same shall be so Valued and appraised, the said Officer do give a Receipt under his Hand, for the same to the Owner thereof if he conveniently can & that the Commanding Officer or Captain of each Company do cause his or their Clerk or Clerks to enter the Same in a Book to be kept for that purpose. And that the Said appraisers Shall appraise and ascertain any Loss or Damage, that may happen to befall the said Effects, so impress'd for the Service aforesaid or allow a Competent Hire for the same, when returned to the said Owners, as the Case shall require and the Same

Same to be given under the Hands of the appraisers, to the Owner or Owners thereof Directed to the Publick Treasurer, who is hereby ordered to pay the Same, And also that such Commanding Officer or Captain of such Company or Companies, after such alarm Shall be over, and before his, or their Company or Companies Shall be discharged, order so many Men as he or they shall think fit to carry Such Horses Boats Canons Piraugua's & Vessels or whatever other things they shall have impressed to the respective Owners from whom they were taken, the Owners giving their Receipts upon the Redelivery of the Same And the said Commanding Officer or Captain of each Company, and each and every of them are hereby impowered to draw an Order on the Public Treasurer payable to the persons aforesaid, for so much Money as he or they Shall think the said persons for Carrying Home any of the things herein before mentioned deserve, And the Public Treasurer is hereby Ordered to pay the same.

28. Impressed provisions and ammunition to be secured.

And be it further Enacted by the Authority aforesaid That the Commanding Officer or Captain of each Company do Lodge in Some convenient and Secure place for the public Use, all the provisions and Ammunition impressed by him or them, or by Virtue of his or their Warrant, or Order, and that Shall remain unexpended, after an Alarm, and that he take a particular Account thereof.

And be it further Enacted by the Authority aforesaid, That if any Officer of the Militia, or any other

other person whatsoever, who by this Act Shall be obliged to bear Arms, shall knowingly or willfully in Time of Rebellion, Insurrection or Invasion, offend in any thing against this Act, or Shall neglect or refuse to do execute or perform any Act, Matter or thing which by this Act is required, directed perscribed, or enjoined by him or them to be done executed or performed for which no particular penalty is hereby inflicted then every Such person so offending, Neglecting or refusing as aforesaid, Shall incurr forfeit and pay the Severall Mulcts, Penalties and Forfeitures following (that is to Say) if Such person, so offending refusing or neglecting as aforesaid shall be a Commissioned Officer of the Militia above the Degree of a Captain, the Several persons hereby impowered to hear, and determine offences, committed Against this Act, shall and may and they are hereby authorized and Impowered to inflict on Such person a pecuniary Mulct, or Fine not exceeding the Sum of Fifty pounds Sterling, and in case the person offending Shali be a Captain or any inferior Commissioned officer, under the Degree of a Captain in the Militia, a pecuniary Mulct or Fine Shall be inflicted as aforesaid, not exceeding the Sum of Thirty pounds Sterling, and if any non Commissioned Officer of the Respective Troops or Companies, or any private person that is obliged to bear Arms, shall offend as aforesaid in any thing against this Act, there Shall be inflicted as aforesaid a Mulct or Fine, not exceeding the Sum of Ten pounds Sterling, But if the person so offending Shall be an Indented Servant

29.

Fines against all persons that offend against this Act in Times of Invasion.

vant, and have no goods, to be Levyed on, and Shall neglect or refuse to pay, the Mulct or Fine which Shall be inflicted as aforesaid for the Space of Ten Days, he Shall receive Corporal punishment not exceeding forty Lashes, with a Whip or Switch, on the bare Back.

30. The Captains may appoint Serjeants to their respective Companies.

And be it further Enacted by the Authority aforesaid, that the Captain of each Company shall have power to appoint any two persons within their respective Companies, who are obliged to appear at common Musters, as they Shall think fit, to be Serjeants of the said Companies, who Shall be obliged to Act and continue Such for the Term of one Year, and if any person after he is so appointed shall refuse or neglect, to Act and perform their Duty as Serjeants in the said Companies, respectively, the person, so refusing to take the office upon him or neglect his Duty afterwards, Shall for every offence forfeit the Sum of one pound Sterling, to be recovered and Levyed as other Fines in this Act are directed, Provided always that no person Shall be Subject to Such Fine for not taking the said Office upon him more than once in Seven years.

31. Offences by whom to be examined & tryed.

And be it further Enacted by the Authority aforesaid that all offences against this Act shall be examined heared and tryed Adjudged and determined in manner following, (that is to Say) all offences Committed by any field Officer shall be heared tryed and determined by the Governor of this Province for the Time being & the majority of His Majesty's Honourable Council residing in the *the* province, and

—ex

and all Offences committed by any Captain or inferior Commissioned Officer shall be heard tryed and determined by the Majority of the Field Officers, of the Regiment or Troop to which Such Captain or Inferior Officer shall belong, and all Officers committed by any non Commissioned Officer or private Person, who is by this Act obliged to bear Arms Shall be heard trying, adjudged and determined before the Majority of the Commissioned Officers of the Troop or Company, to which Such person shall belong, at Such Time or Times place or places, as the said Officers Shall think fit to assemble and meet together and the said Commissioned Officers of the said Troop or Company, or a Majority of them Shall proceed against Such Offender and offenders, so summoned in the most Expeditious and Summary Way, without observing formalities of Law only examining into the Truth of the Case by the Examination of Witnesses upon Oath and Such other Evidences, as can be speedily had, And upon Conviction of any offender, the said Governor and Council, or Field Officers or Commissioned Officers respectively are fully Authorized and Impowered to Levy the Mulcts or Penalties inflicted by Warrants of Distress, and Sale of the Offenders Goods returning the over-plus if any there be, but in case the Offenders, Shall refuse to produce Goods, then by Warrant to commit the Offenders to the Common Goal, which Warrant shall be in the Words following, that is to Say, Georgia,

By Commission Officers of the Company of Foot in commanded

Form of a Warrant.

commanded by To the Serjeants of the said Company and to the Keeper of the Common Goal in Whereas A. B. a person inlisted and liable to bear arms, in the said Company for is by us duely adjudged that the said A. B. has forfeited for the Offence aforesaid the Sum of which Sum the said A. B. has neglected to pay, by the Space of Ten Days next after the Adjudication, These are therefore in His Majesty's name, to charge and command, you and each of you, forth with to apprehend the Body, of the said A. B. and him safely convey to the common Goal, in and that you deliver him to the keeper of the said Goal, together with this Warrant, commanding you the said keeper, to receive the Body of the Said A. B. and detain him in your Custody without Bail or Main prize, untill he Shall pay and discharge the Fine aforesaid together with all Costs and Charges, attending the Execution hereof, and the Charge of his detainer in Custody hereof fail not. If the Warrant be against the Goods of Offenders, &c. then after the within recital Say These are therefore in his Majesty's Name to Command and require you and each of you that you Levy and Cause to be made of the Goods and Chattels of the said A. B. the Sum of and the Same goods and Chattels, you expose to Sale and sell at public outcry, first giving three Days notice of such Sale. And out of the Moneys thereform arising you are first to deduct and keep the said Sum of and

and all reasonable Charges and expences, and the overplus (if any there be) you Shall return or tender to the said A. B. and this shall be your Warrant And in case it shall so happen, that any person or persons, against whose Body such Warrant shall be Granted as aforesaid shall be refractory and refuse to give Obedience thereunto, the Marshals or Serjeants aforesaid or other person or persons to whom Such Warrant shall be directed are hereby impowered and required to demand all necessary assistance to compel Such offender to the common Goal, and all the Charges and expences which Shall attend the Execution of the Warrant of Commitment aforesaid shall be taxed and Ascertained by any Justice of the Peace in this provision who is hereby required to do the same without Fee or Reward and such Taxation shall be delivered to the Keeper of the said Goal together with the said Warrant and such Warrant and such offender shall remain in prison without Bail or Main prize untill the said Fine or Mulct, & the Charges and expences, so taxed shall be fully paid and Sattisfyed

32. Particular Sumon for Defaulters.

Whereas it may be found difficult personally to Summon Defaulters Be it therefore Enacted by the authority aforesaid That the Serjeants of the Several Company's in the

do give Notice by Advertisement in public places of such offenders, and the same shall be deemed to all Intents & purposes equal to a personal Service.

You A B are hereby Summoned to be and appear before the Commissioned Officers of the Company in

in which you are enrolled, Commanded by
on next at the house of
to Shew Cause if any you have why you Shall not be fined (here insert the Offence) of this fail not at your peril.

33. Fines and forfeitures how to be applyed.

And be it further Enacted by the Authority aforesaid, That all Fines of the common Men, for Non appearance at general Musters shall be paid and applied to the Use of the respective Serjeants of the Company in which any neglect of appearance at general Musters Shall happen, And also all other Fines Mulcts Penalties, and Forfeitures which Shall be inflicted levyed or recovered by Virtue of this Act, Shall be applyed and disposed, as follows (that is to Say) all Fines and penalties not exceeding Five Shillings Sterling in the foot Service shall be paid and applied to the Use of the Serjeants And all Fines not exceeding Ten Shillings Sterling incurred by any person in the Troop, or Troops, to the Marshal of the Respective Company or Troop, to which the person on whom, the Fine or Fines shall be inflicted doth belong, And all Fines and penalties exceeding the Sum of Five Shillings & Ten Shillings Sterling Respectively shall be to the use of His Majesty, his Heirs & Successors to be applyed to the maintaining and Keeping in Repair the Public Arms of this province, and Shall be paid to his Majesty's receiver or Public Treasurer and Issued by the Governor and Council, for those purposes only, and the Assembly shall have the Inspection of the Accounts for which Orders are drawn, when they apply for the same.

And

34. Warrants & precepts how to be executed.

And be it further Enacted by the Authority aforesaid, that the Marshal of each respective Troop for the time being, shall be & is hereby authorized and required to Execute, or cause Execution to be done of all Warrants Orders and precepts which shall be Issued by the Governor and His Majesty's Council for recovering the penalties, Mulcts & forfeitures inflicted by this Act, And the Marshal of each respective Troop & the Serjeant or Serjeants of the respective Company's shall, respectively execute, or cause execution to be done, of all other Warrants & precepts Issued for the purposes aforesaid, Provided nevertheless That No Execution against the Body and Goods of any Offender shall be Issued 'till such person against whom the Adjudication as aforesaid shall be made, have refused or neglected, to pay their respective fines as aforesaid by the Space of Ten Days next after such Adjudication, anything herein before contained to the Contrary Notwithstanding.

35. Persons neglecting to execute Warrants how to be dealt with.

And be it further Enacted by the Authority aforesaid, That in case any person who Shall be duely nominated and appointed Marshall of a Troop or Serjeant of a Company shall after Notice of Such nomination or appointment, refuse or neglect to Execute any Warrant or precept Issued in pursuance of the direction of this Act, and to him or them Directed for the space of twenty days after the Receipt of the same the said Marshall, or Serjeant, shall respectively forfeit for each Offence the Sum of One Pound Sterling to be recovered and disposed of as aforesaid

And

36. Persons who settle where the Bounds of a District is not ascertained, where to Muster.

And be it enacted by the Authority aforesaid that in Case any Male person who has been in this province, for the Space of three Months, shall settle himself and reside in any part of this province where the Bounds of the Division or District are not certainly known and Ascertained every Such person Shall be entered inlisted or enrolled in the Company of that District or Division which is nearest to the residence or Habitation of such person, And Such person shall be deem'd and adjudged as belonging to such nearest Company, to all intents and purposes Whatsoever.

37. —(sic) A List of all Male Slaves to be given by the Owners to the Militia Captain of the district where they are, which list shall then be given to the Collonel and by Him returned to the Commander in Chief

And whereas it has been found by experience that several Negro's and other Slaves have in Time of Warr behaved themselves with great Faithfullness and Courage in repelling the Attacts of his Majesty's Enemys in their descents on other provinces And have thereby demonstrated that Trust an Confidence may in Some Instances be repos'd in them. And whereas it is necessary that the Male Slaves in this province should be rendered as serviceable as possible in Times of Warr, or the Invasion of a foreign Enemy, for the better effecting whereof,

Be it further Enacted by the Authority aforesaid, that every Master, Mistress, Owner Manager Attorney or Trustee of or for any Slaves in this province, shall within Six Months next After the passing of this Act return to the Captain or Commanding Officer of the respective Companies of the Militia, in whose Beat, or precinct, such Slaves do

live

live or reside or are Commonly Used and employed a true and Faithful List in Writing of all the Male Slaves of such persons or which are under their care or Management from the Age of Sixteen to Sixty Years & therein specify the Names Age and Country of such Slaves, respectively according to the best of the knowledge and belief of the person returning the same as aforesaid. And to the end that the Number of Male Slaves may be constantly known, the said List shall be renewed and returned as aforesaid by the respective persons as aforesaid, once in every Year on the first Murster day after the Twenty fifth Day of March. And such list shall be returned by the respective Captains to their respective Collonels & by them to the Governor or Commander in Chief, within Two Months after the Same shall be given to the said Captains Respectively.

—ex

And be it further Enacted by the Authority aforesaid, That the Governor or Commander in Chief in this province for the time being, be and they are hereby Authorized and impowered to direct an order the several Captains of the Company's of the Militia of this Province, from time to time to enlist in *their*, their respective Company's such and so many of the said Male Slaves, so to be returned to them as aforesaid, which Shall be Recommended to such Captain by the respective Owners or Managers of such Slaves, to be most faithfull and fit for Service as the said Governor or Commander in Chief, by and with the Advice of His Majesty's honourable Council, for the time being, shall in their

28. Slaves recommended to be faithful to be enlisted.

their discretion think Necessary for the Service & defence of this province, Provided always that the said number of Slaves so to be enlisted in the Several Companies In this province do not exceed in the whole the number of one third of the white Men, in each respective Company

39. In times of Invasion such Slaves shall be incorporated with the Militia &c.

And be it further Enacted by the Authority aforesaid, That the said Slaves so to be enlisted, as aforesaid shall be incorporated into the Respective Company's, in which they are inlisted, and Shall be taken as part thereof, And Shall in Time of General Alarm and Actual Invasion of this province & not otherwise be armed by the respective Owners, or, Managers of such Slaves with one sufficient Gun, one Hatchet, powder Horn and Shott Pouch, with Ammunition of powder and Bullets, for twenty Rounds, and Six Spare Flints, and Shall be Sent by their respective Owners or Managers to the place of Randezvous of the respective Company's, in which they are enlisted, and which said Slaves shall be then and there commanded and directed for the Service of this province by the Captain or other Commanding Officer of the Company during all such times as the said Company shall be upon Actual Duty or continue under Arms and instead of a pecuniary fining, such Slaves for Breach or neglect of duty, shall be subject to such Corporal punishment, for their Offences, during such Time, as the majority of the Commissioned Officers of the Respective Company's shall think fitt to inflict, not extending to Loss of Live or member.

And whereas it will be Extreamly difficult, if not impossible

impossible, so to proportion the Number of the said Slaves to be enlisted as aforesaid on every particular owner of Slaves in this province so as to make the same an equal Burthen, on all the Owners And whereas it is not just that any of the members of the Community should bear more than their true proportion of the Hazard or expence in the Defence of this province Therefore for the more equall setling the same Be it further Enacted by the Authority aforesaid, that the several owners of the said Slaves, so to be enlisted as aforesaid, shall be paid out of the public Treasury of this province, for the time such Slaves shall be in the Public Service of this province as aforesaid, After the rate of one Shilling Sterling ℔ Diem for such Slave and in case it Shall so happen that any Slave so enlisted as aforesaid shall be killed in the Service of this province, the owner of such Slave shall be paid the full value of such Slave, out of the public Treasury, of this province, And in case any Slave in the Service aforesaid Shall be only maimed and disabled the Owner shall be likewise paid out of the public Treasury, the full value of his Loss sustained thereby and to the intent that such Valuation may be Justly and indifferently sett and made between the Public And the Owner of the Slave, the same shall be made oy any three freeholders in this province the one to be named by the Captain or other Commanding Officer of the Company in which such Slave is enlisted, Another to be named by the owner or Manager of such Slave, and the third by the Joint nomination of the two first Freeholders, nam'd

40. One Shilling Sterling ℔ diem for the use of such Slaves if kill'd or Wounded the owners to be sattisfyed.

as

as aforesaid, and the Valuation to be sett or fixed, by any two of the said Three Freeholders and Certifyed under their Hands shall be determinate and conclusive between the public and the respective Owners.

41. Encouragement for poor freemen, White Servants and Slaves to behave manfully against an Enemy.

And Whereas it is necessary that all due and fitting Encouragement should be given to such poor indigent freemen and Servants, and also to Slaves, who shall behave themselves manfully in Fight against the Enemy, in Defence of this province, Be it further Enacted by the Authority aforesaid, That every poor freeman, or White Servant who shall boldly and chearfully oppose the common Enemy, and Shall in fight happen to be maimed or disabled from Labour, every Such poor freeman or white Servant, upon obtaining a Certificate thereof, from the Majority of Field Officers, of the Regiment or Troop, to which such person belongs under their Hands and Seals, shall be from thenceforth, entitled unto and shall receive Yearly And every year, receive out of the public Treasury of this province, The Sum of nine pounds Sterling, but if such freeman so maimed shall be a married man, then he shall be entitled unto and receive out of the public Treasury during his Life and abode in this province, the Sum of Thirteen pounds Sterling yearly, and if it shall so happen that any poor Freeman that is a marryed man as aforesaid, or hath any Child, or Children, under the Age of Twelve Years, shall so happen to loose his Life in the Service aforesaid that then the Widow of such poor freeman, shall henceforth, during her Widow-

hood

hood and residence in this province, or the Children of such poor Freeman (where there is no Widow) under the Age aforesaid untill they attain the said Age, shall be entitled unto and receive out of the public Treasury of this Province the Sum of Nine Pounds Sterling yearly, And the field Officers and any two Captains in the Regiment to which such person belongs, Associating themselves together & certifying the same under their Hands, are hereby declared to be proper Judges of the poverty or Indigence of every person so Maim'd and disabled, or kill'd so as to Intitle them or their Widows and Children respectively, to the respective Bounties or allowances as aforesaid. And every White Servant in the said Companies, and also every Negroe or other Slave so enlsited as aforesaid, who shall actually engage the Enemy, in times of Invasion of this Province, and Shall Couragiously behave themselves in Battle so as to kill any one of the Enemy, or take a prisoner alive or Shall take any of their Colours, every Such White Servant and Slave Shall upon due proof thereof either by Certificate of a field Officer or Captain of any Company under his hand who shall happen personally to see the Action or shall be informed thereof by the Oaths of two credible white persons, shall be and he is hereby declared to be from thenceforth, free and absolutely discharged from all Slavery and Service whatsoever, and the Owner or Owners of such white Servants and Slaves, so declared to be free, shall be sattisfyed for the full Value of such white Servants and Slaves out of the public Treasury of this Prov-

ince

ince, such Valuation to be made and sett in the same manner, as is herein before declared for the Valuation of Slaves killed in the service. But in case such enlisted Slaves shall manfully Behave themselves in fight with the enemy, but shall not have such success as to kill or take any enemy or any of their Colours, but who shall yet remarkably, behave him, or themselves, in the Engagement, so as to deserve public Notice, every such Slave upon obtaining ..... Certificate thereof, under the hand —ex of any field Officer, who shall certifye such action, either from his own personal knowledge, or upon the Oaths of any two Creditable white Servants shall be entitled to and receive from the public —ex Treasury Yearly, and every *Yr.* a Livery Coat, and pair of Breeches, made of good red Negro Cloth turn'd up with Blue, and a Black Hat and pair of Black Shoes, and shall that Day in every Year (during their Lives) on which such Action Shall be perform'd be free'd and exempted from all personal Labour & Service to their owner or Manager.

42. Which Encouragement shall be published at the Head of every Company.

And to the Intent that the Encouragement herein before mentioned, to be given to poor Freemen Servants and Slaves to behave themselves faithfully and Courageously in the Service of this province, in Times of Warr, or Invasion may be *may be* more publicly known, Be it enacted by the Authority aforesaid, That the Clauses of this Act relating to such Encouragement together with this Clause, shall be publickly Read by the respective Captains of each Company of the Militia of this province at the head

head of their Company's on the next muster day of their respective Company's after the Passing of this Act, and every Captain who shall neglect to Publish the same as aforesaid shall forfeit and pay the Sum of one pound Sterling to be recovered by a Justice of the Peace of the respective District, where such omission shall be made, by Warrant under his hand and Seal, and such Forfeiture shall be applyed to the Use of that Company; where such Omission shall be made, for purchasing Drums Colours & other Military Implements for that Company.

43 Penalties on persons who don't give in Lists of their Slaves or send them to the Rendez vous in times of Alarm.

And be it further Enacted by the Authority aforesaid, That every Master, Mistress, Owner, Manager Attorney or Trustee of or for any Slave or Slaves, as aforesaid, who shall refuse or neglect to make out, or give in, and from Time to Time to renew a List of their several Male Slaves as aforesaid is directed, every Such Owner or Manager shall for every such refusal or neglect, Forfeit and pay any Sum not exceeding two pounds Sterling, and every Such Owner or Manager residing where such Slaves are employed who shall refuse or neglect to Send or bring his said Slaves that shall be enlisted in the Militia as aforesaid, at all times of Alarm and Invasion to the place of Rendezvous of the respective Company's in which Such Slaves shall be Enlisted, after such Owner or Manager hath had Notice of such Slaves being Enlisted in the said Company from the Captains of such Company's, every such Owner & Manager Shall respectively, for every such refusal or neglect for every Such Slave

So

So Enlisted, forfeit and pay the Sum of Ten Pounds Sterling, which said Forfeiture shall be recovered by a Warrant under the Hands of a Majority of Field Officers of the Regiment, to which such person belongs and be paid and applyed to such uses as the general Assembly Shall direct & appoint.

14. Persons Sued may plead the general Issue.

And be it further Enacted by the Authority aforesaid that if any person or persons Whatsoever shall be sued impleaded Molested or prosecuted, for any Matter, Cause or thing, whatsoever done or Executed or Cause to be done & Executed by virtue of or in pursuance of this Act and all and every person or persons, who shall or may by the Command or in Aid or assistance of any Person who shall do or Execute or cause to be done or Executed, any Matter or thing by Virtue of, or in pursuance of this Act, shall and may plead the general Issue, and give this Act and the special Matter in Evidence, and in case the Plaintiff or Prosecutor shall suffer a discontinuance, enter a Noli Prosequi, suffer a Non Suit or if a Verdict or Judgment, shall pass against him he shall pay to every defendant that shall be acquitted or for whom Judgment shall pass his full double Costs of suit for which any Court in this province where such prosecution shall be brought, are hereby fully Authorized & impowered to give Judgment and award Execution accordingly.

And be it further Enacted by the Authority aforesaid, To the Intent that no person may plead ignorance, in regard to the Duty's contained in this Act

Act and the Penalties, incurred for non compliance, or disobedience thereto the several Superior Officers in each Regiment Troop or Company Shall at least once a Year Read or Cause to be read at the head of his Regiment Troop or Company, by the Serjeant or other Inferior Officer, a List of Fines or Mulcts, for Non performance of Duty, and cause the same by Advertisement to be at that Time fixed in some public place at or near the Muster Field or on the high Road that shall be nearest the same, on failure of which publication and Notice as aforesaid the said Superior Officer, shall pay to the Public Treasurer, a Fine not Exceeding twenty Shillings Sterling for the use of the Serjeants of the said Company respectively where the neglect shall be made, to be recovered in the same manner as other Fines and forfeitures in this Act before mentioned

45. Officers to cause to be read at least once a year, a List of Fines at the Head of their Regiments, etc.

And be it further Enacted by the Authority aforesaid, That this Act shall be and continue in Force for and during the Space of Three Years and from thence to the End of the Next Sessions of the general Assembly, and no longer.

46. The Duration of this Act.

By Order of the House

Da: Douglass, Speaker.

Council Chamber

24th January 1755.

Assented to

J. Reynolds.

Passed

Passed the Assembly the 18th January 1755.
Passed the Council the 22d January 1755

Secretary's Office
True Copy taken from the Original certifyed
By
JAMES HABERSHAM, Secy.

(From B. P. R. O.—B. Of T., Georgia.)

AN ACT

For Stamping, Imprinting, emitting, and making Current the sum of Seven Thousand Pounds Sterling in Paper Bills of Credit, to be let out at Interest on good Securities at Six ℔ cent. ℔ annum, and for applying the said Interest

Preamble.

Whereas the Gold and Silver Coin being frequently carried out of this Colony. The Inhabitants are thereby laid under many Inconveniences and Hardships, and are rendered incapable of raising Money to pay any Tax that may be levyed for the Support or Relief of this your Majesty's Colony, for want of a Sufficient Sum of money to be Current among them....We therefore your Majesty's most Dutiful and Loyal Subjects, humbly pray that it may be Enacted, And be it enacted, by

Enacted

the Governor, Council and Assembly of this Your Majesty's Province, that it shall and may be Lawful for the Commissioners herein after named and appointed, and the said Commissioners are hereby

That £7,000 in Bills be stamp'd and imprinted.

required

required to Procure with all convenient Speed a Sufficient Number of Bills to be Stamped and imprinted, amounting to the sum of Seven Thousand Pounds Sterling and no more
That is to Say

of the Denomination of			2d	3,600 of each, 1.395	Denomination of the Bills.
			3		
			4		
			6		
			9		
	1	"	0		
	1	"	3		
	1	"	6		
	2	"	0		

of the Denomination of	2	"	6	2,000 of each, 2.800
	3	"	0	
	3	"	6	
	4	"	0	
	4	"	6	
	5	"	0	
	10	"	0	

Of the Denomination of - - - 1" 0" 0 2.805

sterling
7.000

And

And that the said Bills may be better known to be warranted by this Act, it is hereby Enacted by the Authority aforesaid that the Bills shall be signed by the said Commissioners, with such Devices as they shall think proper, and be in the following Words and Tenor, That is to say

Tenor of the Bills from two Shillings to one Pound.

Georgia N°. ( ) Twenty Shillings Sterling This Indented Bill of Credit, due from his Majesty's Province of Georgia, shall pass Current in all payments to the Publick Treasurer, and all others for Twenty Shillings Sterling according to Law 175.

And So Mutatis Mutandis, for all Sums exceeding two Shillings Sterling, and all Sums under two Shillings and Six pence Sterling, shall be imprinted with such Devices as the said Commissioners shall Affix or think proper, and shall be in the following words

Tenor of the Bills of Two Shillings and under.

Georgia N°. ( )
This Bill Shall Pass Current in all payments for two Shillings Sterling according to Law

Commissioners appointed and their authority.

Be it Enacted, by the Authority aforesaid, That the Honourable Patrick Graham, and Francis Harris Esq^r. Clement Martin, Edmund Taunat, and Henry Younge Esq^r., be and they are hereby Nominated and appointed, Commissioners, for Imprinting, Stamping, Signing, and Issuing the Bills of Credit, by this Act directed to be imprinted, Stamped, Signed and Issued, and are hereby invested with Authority

Authority, to have and Execute all and singular, the Trusts and Powers in this Act directed, given and Granted, or appointed, and in case of the Death, or Refusal to Act, or removal from this Province of any of the said Commissioners, other Person or Persons shall be appointed by the General Assembly, or during the Prorogation or Dissolution of the Assembly; by the Governor and Council, in the room of those Dying or Refusing to Act or removing from this Province, who shall have all and the same Trusts and Powers, and be under the same Obligations, as the Commissioners named in and by this Act—Provided Nevertheless that the said Commissioners appoint or to be appointed by Virtue of this Act, shall be Subjected to be removed and Displaced by the General Assembly and not otherwise, or during the Prorogation or Dissolution of the Assembly, by the Governor and Council, And that a Committee of the said General Assembly of this Province, shall once a Year or oftener, Audit and Inspect the Accounts of the Sums of Money in Bills of Credit, let out upon Interest according to the Directions of this Act, and also the Sums of Money received by the said Commissioners for the Annual Interest or otherwise pursuant to this Act, And in case the General Assembly shall not sit once a year, the same shall be done by the Governor and Council, And for the better performance of the said Trust, the Commissioners shall before they enter on the Execution of their said Office give Bond each respectively to His Majesty in the sum of Three hundred pounds, for their Performance,

Commissioners to give Bond each respectively in the Sum of £300.

Of

Of their respective Duty according to this Act, and Shall take the following Oath before one of His Majesty's Justices of the Peace of this Province, for the time being—To-Wit

Oath of the Commissioners.

I; A. B. do solemnly and sincerely swear, that I will according to the best of my Skill and Knowledge, faithfully, Impartially, and truly Discharge the Trust committed to me in and by the Act of the General Assembly of this Province, for Stamping, Imprinting, and emitting, and making Current Bills according to the Purport and Tenor of the said Act, so help me God.

The Bills shall be Deemed a Tender in Law.

And the Commissioners shall take care that the Printer of the Bills do give Security that the whole Number imprinted is delivered to them, and the Press be then Broken. Be it further Enacted by the Authority aforesaid, that, the Bills when so stamped, Imprinted and signed by the Commissioners as is hereby appointed, shall be taken and received in all payments whatsoever, in Discharge of all and all manner of Debts or sums of Money whatsoever, due or hereafter to be due, owing or payable in this Province, to any Person or Persons whatsoever, and the same shall be and they are hereby declared and Enacted to be to all intents, constructions and purposes whatsoever, the Lawful and Current Money of this Province of Georgia, and shall be held and Deemed a good and sufficient Tender in Law to all intents and Purposes for Discharging any Debt or Sum of money or Demand whatsoever, now due or hereafter to become due or

payable

payable in this Province, any Law, Statute, Usage or Custom to the contrary in anywise notwithstanding.

The Bills to be let out at Interest at 6 ℔ cent ℔ annum.

Be it further Enacted by the Authority aforesaid, That for the better and more speedy Distribution and Circulation of the said Bills, the Commissioners after paying and Deducting the Expence of Stamping, Imprinting and signing the Bills of Credit, are hereby impowered and required to lend out at Interest at 6 ℔ Cent ℔ annum the sum remaining in Bills of the Seven Thousand pounds Sterling, so stamped signed and Imprinted as aforesaid, for the Term of Seven years and no longer, and the said Commissioners shall not lend to any one person a sum exceeding eighty pounds Sterling, nor Less than Ten pounds Sterling, for which Security shall be taken as herein after mentioned, And the Interest thereof at the rate aforesaid shall be annually paid, and one fourth part thereof shall become a Principal, and be let out at Interest in such Manner and under such Restrictions as the principal sum is herein before directed to be lent out, and be appropriated at the Expiration of the said Term towards sinking the Bills of Credit, so stamped, signed and Issued as before directed, so far as the fourth part of the Interest annually to be Collected and put out at Interest will amount to, and the residue or Remaining Three fourths of the said Interest shall be reserved to His Majesty for the use of this Colony and the Defense thereof, and shall be annually paid in to the Treasurers

hands

hands, to be appropriated as by future Act of Assembly shall be directed. And for the more Easy and Effectual Remedy against all such Persons or Person who Shall borrow any of Said Bills of Credit from the said Commissioners, and shall refuse or Neglect to pay the Interest thereon annually to grow due—Be it further Enacted by the Authority aforesaid that when and as often as any person or persons (His, Her or their Heirs, Executors Administrators or Assigns) who shall borrow any of the said Bills of Credit shall refuse or Neglect to pay the Annual Interest due or to grow due on the Principal Sum by him, her or them borrowed as aforesaid by the space of Sixty days next after the End of every Year, when the same shall respectively become due in such Manner and form and According to the Purport Tenor and true intent and Meaning of the respective Bonds and Mortgages, Entered into by the Mortgagor, (at time of borrowing the said Bills of Credit,) And this Act of Assembly that in every such Case, and upon every such Refusal, Neglect or Default made in the Premises, it shall and may be Lawful to, and for Commissioners for the time being, and they are hereby required to enter into and upon the said Mortgage Premisses, and all Manner of Person and Persons whatsoever thereout to Expel and amove, And after Notice thereof in writing given to such Person or Persons, who shall refuse or Neglect as aforesaid, or otherwise left at his, her or their last place of Abode, and also Published by Advertizement at Savannah and in the District, where He, she or they reside

Persons neglecting to pay the Interest how to be dealt with

for

for the Space of thirty days from the Date of such Notice, That unless the Arrears of Interest due on such Mortgaged Premisses be paid within the said Thirty days, That the said Premises will be sold at Public Outcry for the most *most* Money that can be got for the same, it shall and may be Lawful for the said Commissioners and their Successors, Commissioners for the time being to sell, alien, and Dispose of the said Mortgaged Premisses to any Person or Persons, their Heirs and Assigns, which Sale, Alienation and Disposition, shall be made by the said Commissioners by the Endorsement on the back of the respective Mortgages in writing under their Hands and Seals, which shall be sufficient in Law to all Intents and purposes, to Convey the Premises so Aliened and sold to the Person and Persons buying the same, their Heirs and Assigns, and they shall and may hold and enjoy the same against the Mortgagor, his heirs and Assigns, and all other Persons whatsoever, clearly Discharged and freed from all Equity of Redemption whatsoever, any Law usage or Custom to the contrary in any wise notwithstanding.

—ex

No equity of Redemption on Lands sold by the Commissioners.

And be it further Enacted by the Assembly aforesaid, That in Case the Money arising by such Sale of the Mortgaged Premisses, shall be more than sufficient to pay off and Discharge the said Interest so in Arrear and the Principal Money, on which the same became due, and the reasonable Costs and Charges of the said Commissioners on such Sale, that then and in every such Case, the said Commissioners

After the Sale of the Mortgaged premisses the Overplus to be returned to the Mortgagors.

sioners shall return the Overplus (after deducting the said principal, Interest and Costs) unto such Mortgagor, or Mortgagors, their Heirs or Assigns. And for the better Supporting, and maintaining the Credit of the said Bills, and Carrying into Execution this Act and the several Clauses therein Be it further Enacted by the Authority aforesaid, That the said Commissioners and their successors—Commissioners for the time being, shall have Power and Authority, and are hereby empowered, Authorized and required in their own names as Commissioners of the General Loan Office of the Province of Georgia, to take security for the several respective Sums, they shall lend out upon Interest by Virtue of this Act—And as such Commissioners shall be capable in Law, to receive take hold,—enjoy and retain to them and their Successors Commissionarys as aforesaid, All such Lands, Tenements, Hereditaments, and Slaves as shall bee Granted them in Mortgage, for Securing the repayment of such Sums of Money as they shall from time to time lend and Issue in the said Bills of Credit, And also to Sell, Grant, Alien, and Dispose of the same in Default of payment as in and by this Act is provided and Directed.

Title of the Officers and Commissioners Authority.

And Be it further Enacted that the said Commissioners and their Successors Commissioners for the time being before they Accept or take for Securitys any Houses, Lands Tenements, Heriditaments or Slaves on Mortgage for any Sum or Sums, shall inform themselves of the Real Value of such

Title and Value of the Effects Mortgaged as Security to be examined by ye Commissioners.

Houses

Houses Lands, Tenements, Hereditaments, and Slaves, and also of the Title thereto, And the said Commissioners for the time being shall then take Security by Mortgage thereof, of at least Double the Value of the Sum lent out (provided always that the Security of Slaves shall not be taken for more than, one third part of the Money lent) which Mortgage when duly Executed in the presence of two Creditable Witnesses, and Attested by one of his Majesty's Justices of the Peace, shall be recorded in the Register Office of this Province.

How to secure the Money and Interest when the Debt is imagined desperate by the Security being bad.

And be it further Enacted by the Authority aforesaid, that if after any Messuages, Lands, Tenements, Hereditaments, or Slave whatsoever, are Mortgaged as aforesaid to the said Commissioners, According to the Direction of this Act, it shall Appear that the Party Mortgaging, had no Good right or Title to the Premisses Mortgaged, or if the said Commissioners shall apprehend there is any Danger of Loosing the Moneys, or any part thereof Advanced in Loan upon the Credit, of such Messuages, Lands, Tenements, Hereditaments, and Slaves, it shall and may be Lawful to and for the Commissioners for the time being, to enter up Judgment on the Bond, and Warrant of Attorney, (which they are always required to take from the Mortgagor at the time of Giving his Mortgage, as a further or collateral Security for the sum Lent,) and to take out Execution, either against his Person or Goods, as they shall think best for recovering the Money due on such Bonds and Mortgage.

And

Persons paying Principal and Interest after one year expires to be discharged by the Commissioners.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, who shall take upon Loan any of the said Bills of Credit, shall at any time after the End of One Year, next after the taking the same, see Cause and shall pay down the Sum so taken in the said Bills of Credit, and the Interest then due on the same, then and in such Case, every such Person shall be released and Discharged, by Indorsement to be made in writing, by the Commissioners for the time being on the back of the said Mortgage, under their Hands and Seals, and the said Messuages, Houses, Lands, Tenements, Hereditaments or Slaves, contained in the said Mortgage, And the Person of the said Mortgagor, his Heirs, Executors, and Administrators, and his and their Goods and Chattels shall stand for ever Discharged, against the said Commissioners, And every of them, Any thing in the said Mortgages, Bonds or Warrants of Attorney, or either of them to the Contrary in any wise Notwithstanding

Money paid into the Commissioners to be again lent out.

And be it further Enacted, That the Commissioners or their Successors Commissioners for the time being, be impowered and are hereby required, After having received any sum or Sums as above provided, to give Publick Notice with all Convenient speed, that such Sums are in the Commissioners hands, to be let out at 6℔ C^{t}. Interest on Good Security.

Be it Enacted by the authority aforesaid, That to Prevent as much as may be the Charge and Ex-

pence

pence to the Borrowers of the said Bills of Credit to be Lent out by Virtue of this Act, the said Deeds of Mortgage shall be Drawn and made in a short Concise and Substantial form, and when the same or any of them are Executed and Acknowledged or provided as by this Act is directed, shall transfer, the said Houses, Lands, Tenements, Hereditaments or Slaves, thereby granted to the said Commissioners, and vest the Inheritance thereof, in them and their Successors Commissioners for the time being, as fully and Effectually as any Deeds of Feofment, with Livery and Seizin, or Deeds inrolled in any of his Majestys Courts at Westminister may or Can do, Subject Nevertheless to be vacated, according to the Provisos or Agreements therein Expressed; In all which Deeds of Mortgage the words Grant Bargain and Sell shall amount to and be construed and Adjudged in all Courts of Judicature in this Province, to be Express Covenants to the said Commissioners, their Successors Commissioners for the time being, and Assigns from the Bargainor or Mortgagor, for himself, his heirs, Executors or Administrators that the Mortgagor was at the time of the execution of such Deeds, seized of the Hereditaments and premisses thereby granted, of An Indefeasible Estate of Inheritance, free from all and all manner of encumbrances whatsoever. (Quit Rents only excepted) And for the said Commissioners their Successors and Assigns, quiet Enjoyment thereof against all and all Maner of Persons whatsoever. And also for the further Assurances to be made of such Premisses by the said Mortgagor and

Mortgages to be taken in a Short Substantial form

his

his heirs, as the Commissioners for the time being shall require, as fully and amply to all intents and Constructions whatsoever, as if those Covenants at large were expressly set down and contained in such Deed and Mortgage.—And the said Commissioners and their Successors Commissioners for the Time being, shall and may in any Action to be brought by them Assign breaches there upon, in such and the same Manner, as they might or could do, if such Covenants had been Expressly and at large inserted in such Deeds, any Law, Usage or Custom to the Contrary in any wise notwithstanding.

Commissioners to keep an Office—

And for the better Carrying on the Purposes intended by this Act, and the due Execution thereof, Be it further Enacted by the Authority aforesaid, that the Commissioners shall keep an Office in the Town, where the Seat of Government shall be, for the Transacting the Affairs and Business required to be done and performed, in and by this Act, at which Office, the Commissioners, or any three of them shall attend on every Tuesday and Wednesday in every other week, During the Term of one Year after the Confirmation of this Law, And after the Expiration of the said Year, the attendance of the said Commissioners at the said Office, shall be at such Convenient times, as they shall appoint, for the execution of the Trust reposed in them by this Act, And the said Commissioners are hereby entitled to receive the sum of Ten Shillings and Six pence Sterling as a Fee for the Execution of the Bond Mortgage, and Warrant of Attorney, which they

Commissioners Fees.

the

the said Commissioners, Are hereby Obliged to prepare at their own Proper Cost and Charge—And also a fee of Three Shillings Sterling for their Discharge indorsed on the back of the Mortgage. And also shall be intitled to receive for Signing the Bills of Credit, and Affixing their Devises thereto, the sum of Twenty pounds Sterling to each Commissioner And be it further Enacted, That the fourth part of the Interest herein before Appropriated for sinking the Bills of Credit, And the Sum herein directed to be lent out on Interest, shall all and every part thereof be Collected, on or before the first Tuesday in December, which shall be in the Year 1762 and shall go and be applyed to the Sinking the said Bills of Credit, and to no other use intent or purpose whatsoever, Any thing in this Act to the contrary in any wise Notwithstanding—Provided nevertheless that Overplus, if any there be, shall be reserved to his Majesty, for the use of this Colony and the Defence thereof, and shall be appropriated by Act of General Assembly.

Provision for sinking the Bills.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, shall forge or Counterfeit any of the said Bills or Credit, by this Act Directed to be Stamped, Imprinted, signed and Issued, or that shall exchange with the said Commissioners any such Forged or Counterfeited Bills or that shall utter such forged or Counterfeited Bills (knowing the Bill or Bills so Exchanged or Uttered, to be forged or Counterfeited) or shall Council, Advise, procure or any ways Assist in the forgeing Counterfeiting, Stamping

Counterfeiters of the Bills to suffer Death.

ing, Imprinting or Signing of any such false Bill or Bills, or that shall Engrave any Plate, or make any other instrument to be used in making such false or Counterfeit Bill or Bills, that then every such Person and Persons, so offending and being thereof Lawfully convicted, shall be adjudged to be Guilty of Felony, and Shall suffer the Pains of Death as a Felon, without the benefit of the Clergy.

Persons sued may plead the General Issue.

And be it further Enacted, by the Authority aforesaid, That if any Action or Suit whatsoever, shall at any time hereafter be Sued or Prosecuted, against any of the said Commissioners, Trustees, or other Person or Persons, whatsoever, for any Matter or thing whatsoever, which they, or any or either of them shall do, or cause to be done, by Virtue or in pursuance of the Directions of this Act, that in all and every such Actions and Suits, it shall and may be Lawful, to and for the Defendant and Defendants to plead the General Issue, and give this Act and the special Matter in Evidence, and in Case the Plaintiff or Plaintiffs in such Action or Suits shall Discontinue, because Non Suit or a Verdict shall pass against him or them; it shall and may be Lawfull to and for the Court, in which such Action or Actions is Sued, prosecuted or Commenced, to tax and allow to every such Defendant and Defendants, his and their treble Costs of Suit, for which the said Defendant and Defendants, shall have remedy, as is given by Law to other Defendants.

And Whereas the Issuing of too much Paper Currency has had bad Effects in several of His Majesty's

jesty's Provinces in America, therefore to prevent as much as possible all Inconveniences and that the said Bills may be always Issued in the best and most prudent Manner, according to the Exigencies of Affairs.—Be it further Enacted by the Authority aforesaid, that when His Majesty's Royal Confirmation of this Act shall be made known to the Governor or Commander in Chief, the Commissioners shall in the first Year Issue a Sum not exceeding three Thousand pounds Sterling, and after the Expiration of such first Year, the then General Assembly shall direct what further Sum or Sums of Money shall be Issued out by the Commissioners in such Proportions as the Circumstances of the Colony may require, any thing to the Contrary in this Act in any wise Notwithstanding.

The Commissioners to issue, not exceeding 3,000 in the first year, and afterwards to issue such further sums as the General Assembly shall direct.

And be it further Enacted by the Authority aforesaid, that neither this Act, nor any thing herein before contained, shall be of any force, Power, of Efficacy, but the same is wholly Suspended, until his most Sacred Majesty's Royal Approbation, and allowance thereof shall be known and signifyed to the Governor or Commander in Chief for the time being, any thing herein before Contained to the contrary in any wise Notwithstanding.

This Act suspended till His Majestys Approbation there of shall be known.

DA: DOUGLASS Speaker

In the Council Chamber

17th February 1755.

Assented to

J. REYNOLDS.

passed

Passed the Assembly the 4th february 1755.

Passed the Assembly the 7th february 755.

Secretary's Office
True copy taken from the Original certifyed
By
JAMES HABERSHAM Secr.

(State Archives.)

AN ACT

Inflicting and Imposing Penalties upon any Person or Persons, that shall publish and declare that the Acts of the General Assembly of the Province of Georgia are not of Force.

Preamble.

The General Assembly taking into consideration that ill disposed Persons, wickedly intending to invalidate the Laws of this, His Majesty's Province, and bring them into contempt and disrepute, may move and stir up doubts, whether there be any Laws in force and Efficacy, so as to be binding to his Majestys Subjects, being in this His Majestys Province of Georgia;

Enacted.

That any Person who shall declare that the Acts of the General Assembly are invalid

For preventing of such mischiefs, We humbly pray your most Sacred Majesty, that it may be Enacted, and Be it Enacted by the Governor Council and Assembly of this your Majestys Province of Georgia, and by the Authority of the same; That if any Person or Persons, shall at any time or times, after

after publishing of this Act, maliciously and advisedly utter, publish and declare by Words, or Writing, that the Acts of the General Assembly of the Province of Georgia, not repealed, expired or annulled by the Kings most excellent Majesty, are not of Force or Binding within this His said Majestys Province, to all Persons inhabiting and being therein; such Person or Persons so offending, shall be adjudged, deemed and taken, as factious and Seditious, and contemners of the Laws; and being thereof Lawfully convicted, shall for the first Offence, be fined five Pounds Sterling, and suffer One Months Imprisonment, without Bail or main Prize, and for the second Offence shall be fined Ten Pounds Sterling, and Two Months Imprisonment, and for every such Offence after, double the Penalites and Forfeitures aforesaid, one half of which forfeitures, shall be reserved to the Kings Majesty, His Hiers and Successors, for the Use and Defence of this Colony, and shall be paid to the Public Treasurer, and the other half to the Informer, to be recovered by Action of Debt in any of his Majestys Courts, in this His Province, which said Penaltys are to be added, and imposed over and besides all other Punishments, that may be legally inflicted on such Offenders—

shall for the first offence be fined five Pounds Sterling and suffer one Month Imprisonment

for the second Offence £10 Sterling and 2 Months Imprisonment.

half the said Forfeitures to be paid to the Public Treasurer and the other half to the Informer.

By Order of the House

Da Douglass Speaker

Council Chamber, 17th Feb: 1755

Assented to

J. Reynolds.

(From

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For Raising and Granting to His Majesty a Sum of Money to defray the Expenses of the Courts of Oyer and Terminer and other Contengencies of Government.

Preamble.

Whereas it is absolutely necessary that the Expences of the Courts of Oyer and Terminer and the Charges of the present Sitting Assembly and other Contingent Expences of Government Should be provided for; Therefore for the well and truly affecting of these purposes We humbly pray Your most Sacred Majesty that it may be Enacted, And be it Enacted by the Governor, Council and Assembly of this Your Majestys Province of Georgia, that the Sum of one Shilling Sterling ℔ Head be Levyed on all Negroes and other Slaves within the Limits of this province; and the Sum of one Shilling Sterling ℔ Hundred Acres on all Lands holden or possessed throughout this province (Lands whereon any Churches or other Buildings for Divine Worship, or Buildings for Charitable uses are Erected, and Lands appertaining to such Churches and Buildings, and all Slaves appurtenant to or going with such Churches, buildings or lands, and all Moneys appropriated for Charitable Uses always Excepted) And the Sum of Seven Shillings Sterling on every Hundred pounds Sterling at Interest in this Province, over and above what such person or persons shall

Enacted.

That one Shilling sterg. ℔ Head be levyed on all Negroes and one Shilling on every Hundred Acres of Land.

And Seven Shillings on every Hundred Pounds at Interest or in Trade.

shall pay Interest for, and that all Merchants and Storekeepers shall be rated by the Assessors and Collectors, at the Rate of Seven Shillings Sterling upon every Hundred Pound Sterling of the full value of their Stock in Trade; provided nevertheless that any Merchants, Storekeepers or either in Town or Country who shall have Reason to believe that he is Over rated for his Stock in Trade, shall have five Days notice given by the said Assessors in writing at the most public place in the Town or District where such Merchant or Store keeper shall Reside to swear of so much as he or they shall think themselves over rated, before the said Assessors or Collectors, and the said Assessors or Collectors, are hereby impowered to administer such Oath and to allow of an abatement accordingly.

Traders over rated may Swear off.

And be it Enacted by the Authority aforesaid, That all Houses in Towns, and Town Lotts, shall be rated by the Assessors and Collectors, equally and proportionably, to the best of their Knowledge, at the rate of Seven Shillings Sterling, ℔ hundred Pounds Sterling of the value of Such Houses or Lotts, and any person or persons that Shall have reason to believe they are over rated, for their Houses or Lotts, shall have Liberty to swear off as above directed for the Merchants Stock in Trade.

Town Houses and Lots to be rated at Seven Shillings Sterlg. ℔ £100, the owners having leave to swear off.

And be it Enacted by the Authority aforesaid, That all persons possessed of Lands, Slaves, Moneys, at Interest, or are liable to pay any Tax by Virtue of this Act, shall on or before the first Wednesday

Accounts of particulars lyable to be taxed to be deliver'd to the Collectors before the first Wednesday in November next.

nesday in November next, render a particular Account thereof in Writing, and in what District the said Lands and Slaves do lye, to the best of their Knowledge, to the Collectors or Assessors of the several Districts respectively where the Person who is to render such an Account do live and Reside, at such times and places as the said Collectors and Assessors or any of them Shall direct and appoint for doing thereof, and Shall pay the Tax thereon, to the said Collector or Collectors accordingly.

And the said Collectors and Assessors, Shall and are hereby Authorized and impowered to Issue Executions against all person or persons *whosoever* in their respective Districts or places, who Shall refuse or neglect to pay their respective Tax as herein directed.

Upon Oath.

And be it Enacted by the Authority aforesaid upon Oath. That all persons in giving in, or rendering their Account of Money at Interest, or Lands or Slaves as aforesaid, Shall deliver the same upon Oath, which Oath, any of the Collectors and Assessors aforesaid, are hereby impowered to administer.

Collectors to levy by Distress on the Goods of Defaulters.

And be it further Enacted by the Authority aforesaid, That in case any person whoever Shall neglect or refuse, to give in an Account as aforesaid and pay his or their Tax, at the Time herein before mentioned, the Collectors or Assessors respectively Shall within Ten Days after the Time is fully elapsed, levy the same by Virtue of a Warrant by them

them, under their Hands and Seals, directed to any Constable, requiring him to levy the same by distress and Sale of the Defaulters goods, returning the Overplus, if any there be, to the Defaulter, after deducting reasonable Charges; and the Constables to whom Such Warrant Shall be directed, shall take from the Defaulter the following Fees for the Execution of his or their Office, namely for Serving every Execution one Shilling Sterling, and one Shilling for every Pound Sterling, to be levyed as aforesaid, and two pence for every Mile computed from the Dwelling House of the Constable, to the dwelling house or residence of the Defaulter, and the Collectors and Assessors respectively for every such Warrant he or they Shall so Issue, Shall have from such Defaulter one Shilling and Six pence Sterling.

Constables and Collectors Fees for levying on Defaulters.

And be it further Enacted by the Authority aforesaid, That the Several persons herein after named, Shall be Collectors and Assessors, for the Several Towns Districts and Divisions, herein after mentioned respectively, namely,

Collectors named.

For the Town and District of Savannah, James Edward Powell, Joseph Ottolenghe, William Russell and Henry Yonge.

For the Town and District of Abercorn and Goshen, George Cuthbert John Hamm and Patrick Mackay.

For the Town and District of Ebenezer, John Ludwig Meyer, Clement Martin, and John Flert.

For

For the Districts of Augusta and Hallifax, including the Town of Augusta, John Rae, Martin Campbell, Patrick Brown.

For the District of great and little Ogeeche, including the Town of Hardwicke, William Butler, William Elliott, James Maxwell.

For the District of Midway and Newport, Audley Maxwell, Mark Carr, John Elliott, Benjamin Baker.

For the District of Sapallo and Darien, John Mackintosh Sen^{r}. M. John Mackintosh B. Hugh Clark.

For the Town and District of Frederica, John Perkins, Thomas Goldsmith.

For the Sea Islands including the Vilages of Vernonburg and Acton, James Houstoun, Noble Wimberly Jones, John Barnard.

Attorneys or Trustees of Absentees liable as owners to pay Tax unless they prove by Oath, that they have renounced their Trust.

And Whereas there are or may be sundry tracts of Lands, Slaves, Houses and Moneys at Interest, owned or claimed by persons not Residents in this province, Be it therefore Enacted by the Authority aforesaid, That all Attorneys or Trustees for such persons Shall make due return to the respective Assessors or Collectors in the place or District, where he or they live, in the same manner as the owner or claimer as above mentioned might or could, was he actually present, And Such Attorney or Trustee shall

shall be Subject and liable to pay the Tax that Shall become due for the same, out of his own or their proper Estate, unless such Attorney or Trustee Should make Oath before the said Collectors and Assessors, or any of them, that he has renounced his power and Attorneyship before the said Tax becomes due, without having done it, only with intention to Avoid the payment of the same, And if there be no Attorney or Trustee to be found for such persons who have Lands, Slaves, Houses, and Moneys, at Interest and are living and residing out of this province, the Assessors and Collectors shall be, and they are hereby directed, required and impowered to Sell Timber or any other Commodity thereon Growing for payment of the Tax that Shall become due as herein directed, or Shall lease the Lands to any person for the payment of the Same. And in case the Tax that shall become due by any person not Resident as above mentioned can not be recovered as above mentioned, then the Assessors and Collectors Shall give public notice thereof by Advertisement at the most Public places in this province, and in case such Tax cannot be paid as aforesaid to the Assessors and Collectors, or the Public Treasure[r] within one Year after Notice Shall be thus given, then such Lands Shall become forfeited to his Majesty, and Shall be deemed to be vacant Lands to all intents and purposes, any Law, Usage or Statute to the contrary notwithstanding.

Lands of Non-residents to be forfeited, unless the Tax is paid, within one year.

And be it further Enacted by the Authority aforesaid, that all persons in any wise liable to pay Tax

by

Tax to be paid by the first Wednesday in November next or within 10 Days after when the Collectors are to deliver on Oath their Accounts to the public Treasurer and the Accounts of their own Lands, etc.

by Virtue of this Act, Shall pay the Same on or before the first Wednesday in November next, or within Ten Days after at farthest as aforesaid, and the Collectors and Assessors Shall give Receipts, if required, such person writing the same, And the Said Assessors and Collectors Shall, on or before the first Wednesday in December close their Accounts, and Shall deliver the same on Oath to the Public Treasurer for the Time being who is hereby required and impowered to Administer the same, and pay him all such Moneys, as Shall by them be respectively received, in pursuance of the Directions of this Act, without any deduction or Commissions or any other pretence whatever, and the said Collectors and Assessors, Shall also give in the Account of their own Lands Slaves and Moneys at Interest, and pay the Same after the manner above mentioned.

Public Treasurer to issue the Money by Order of the Governor and Council —And to lay His Accounts (if required) before the Assembly—

And be it further Enacted by the Authority aforesaid, That the Public Treasurer for the Time being, Shall Issue the Money as before directed, for the purposes above mentioned, by order of the Governor and Council, and the said Treasurer Shall lay his Accounts before the Assembly to be inspected when thereunto required, of all moneys received and pay'd by him, as herein before directed, and if any money Shall remain or be in his Hands not applyed, then the same Shall be applyed by future Act of Assem-

bly

bly, any thing herein contained to the contrary notwithstanding.

By Order of the House

DA: DOUGLASS Speaker

In the Council Chamber
the 21st February 1755.

Assented to

J. REYNOLDS.

passed the Assembly
the 18th febry 1755.

passed the Council
the 20th february 1755

Secretarys Office
True Copy taken from
the Original certifyed
By
JAMES HABERSHAM Secy.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

To regulate Fences in the Province of Georgia.

Whereas the Want of good Fences in this Province is of great Detriment to the Inhabitants thereof We therefore humbly pray your most Sacred Majesty that it may be Enacted And be it Enacted by the Governor Council and Assembly of this your Majesty's

Preamble.

Enacted.

That every Planter shall make his Fences at least 5½ feet high, and if defecient, He shall Sustain all Damages that may be done.

Majesty's Province of Georgia and by the Authority of the same that every Planter shall make a Sufficient Fence about his fields and other Inclosures at least five foot and an half high which if he Shall be Deficient in what Trespass or Damage so ever he Shall receive or Sustain by Hogs, Cattle or Horses Shall be his own Loss and Detriment And also if it shall happen that any person shall hurt any of the said Horses Cattle or Hogs that shall so offend and do them harm he shall make Satisfaction for them that shall be no hurt to the Owners of them to be recovered in any Court of Justice within the Colony.

And where the Fence shall be adjudged sufficient & any Damages shou'd be done by Cattle etc. the Owner to make satisfaction, and how to be recovered.

And further Be it Enacted by the Authority aforesaid that where the fence shall be adjudged sufficient namely five foot and an half high and Close down to the bottom that in Case any Damage or Trespass be then done or Committed to any Person having such lawful Fences by either Horses Cattle or Hogs, the Owner of such Horses Cattle or Hogs shall be lyable to make Satisfaction for their Trespass and Damage to the person Injured which Damage shall be adjusted by Three Freeholders (as also the Lawfullness of the Fence) each party concerned choosing one and the Two so Chosen appointing a Third which Freeholders upon Application of the Owner of such Plantation to any Justice of the Peace shall be Summoned by him to make appraisment of any such Damages the said Appraisers giving it under their hands and upon Oath on which Appraisment so delivered any Justice is hereby impowered

powered and required to give Execution if Demanded.

DA: DOUGLASS Speaker

In the Council Chamber

March the 7th 1755.

Assented to

J. REYNOLDS.

Passed the Assembly	Secretarys Office
	True Copy taken from
the 21st tebruary 1755	the Original Certifyed
Passed the Council	By
the 25th February 1755	JAMES HABERSHAM Secy.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For raising a Fund by an Impost on Shipping to defray the Expences of keeping the Light on Tybee Island in repair and for Building a house there for the use of the Pilot.

Forasmuch as the Light House on Tybee Island is of general benefit to all Ships or Vessells trading to America and in a special Manner to all such who Trade to this Province—We humbly pray your most Sacred Majesty that it may be Enacted And be Preamble. Enacted.

That all Masters of Vessels shall pay into the public Treasury.

be it Enacted by the Governor Council and Assembly of this your Majestys province of Georgia and by the Authority of the same that all Masters of Vessells trading to any port or place within this province shall pay into the Public Treasury of this province the Sums hereafter mentioned for their respective Vessells to be applyed wholly and only for keeping in repair the said Light House and building and keeping in repair a small house at Tybee for the use of the Pilot for the time being and for no other use or purpose whatsoever That is to Say for every Ship Twenty Seven Shillings and Six pence for every Snow Brig Polacre or Sactia Twenty Two Shillings and Six pence for every sloop or Schooner of Eighty Tons or upwards Seventeen Shillings and Six pence and for every Sloop or Schooner under that Burthen fifteen Shillings Provided always that this Act do not extend to decked Pettiaguas or Rice Boats but that they the said decked Pettiagues being of the Burthen of fifty barrels of Rice or upwards shall on the Eighth Day of September annually pay into the Public Treasury One pound five Shillings for their Licence money—And the Overplus of such Imposts if any there be shall be reserved to his Majesty for the Use and Defence of this Colony and be appropriated to the Building Beacons any thing to the Contrary in this Act notwithstanding.

For every Ship £1 "7" 6 For a Snow or Brig etc. 1 "2" 6 For a Sloop or Schooner of 80 Tons or upwards 1 7-6 and for a Sloop or Schooner under that Burthen 15s. But not to extend to decked Pettiaguas or Rice Boats of 50 barrils of rice Burthen or upwards, which shall pay on the 8th. September annually £1 "5" 0— and if any over plus, to be appropriated to the building Beacons.

Continuance of this Act.

And be it Enacted by the Authority aforesaid that this Act shall continue in Force for Three years and

and from thence to the End of the next Session of general Assembly and no Longer.

DA: DOUGLASS Speaker

In the Council Chamber

March the 7th 1755.

Assented to

J. REYNOLDS.

Passed the Assembly the 21st February 1755. Passed the Council the 25th February 1755.

Secretarys Office True Copy taken from the Original Certifyed by JAMES HABERSHAM Secy.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

To Prevent Fraudulent Deeds and Conveyances.

Whereas many Inconveniencys may attend the Want or Neglect of Recording in the Public Offices of this Province all Conveyances of Lands Negroes and other Chattels or Mortgages of the same We humbly pray your most Sacred Majesty that it may be Enacted and be it Enacted by the Governor Council and Assembly of this your Majesty's Province of Georgia and by the Authority of the same That All

Preamble.

Enacted.

That all Conveyances and Mortgages of Land, Negroes, etc. made before the passing this Act be registered within 3 Months, except those executed in England to registered within a year and a Day, and except those executed in the West India Islands or North of S. Carolina to be registered within 6 Months —And such as may be made within this Province to be registered within 60 days. And in failure, such as shall be registered as aforesaid shall be construed to be prior.

all Conveyances of Lands Tenements Negroes and other Chattels or Hereditaments whatsoever or Mortgages of the same that were made before the passing this Act shall be registered in the Register of the Records Office of this province within Three months After the Publishing this Act Except such as have been or may be hereafter Executed in Europe which Shall be registered as directed by this Act within a Twelve month and a Day and Except such as have been or may be hereafter Executed in the West India Islands or on the American Continent North of South Carolina which shall be Registered as Directed by this Act within Six Months and Such as may hereafter be made within this Province be Registered within the Space of Sixty days from the Date of the Several Deeds Conveyances or Mortgages in failure of which all such as are lawfully and Regularly Registered as aforesaid Shall be Deemed taken and construed to be Prior and Shall take place and be recoverable in Law before any and every Deed Conveyance or Mortgage which has not been Lawfully Registered as above any Law Custom or Usage to the Contrary notwithstanding.

Penalty on persons making a Second Deed, etc. without mentioning the first.

And in order to discourage and Deter all and every person and Persons from Making any fraudulent Conveyances or Mortgages be it further Enacted by the Authority aforesaid, that if any Vendor or other Chattels or Hereditaments within this province shall presume to Execute a Second or other Deed of Conveyance or Sale of the same Lands

Tenements

Tenements Negroes or other Chattels or Hereditaments other than the first Vendee of such Lands Tenements Negroes or other Chattels or Hereditaments of a Second or other Deed of Mortgage without having taken Notice in the said Deed of Mortgage of the first or prior Mortgage or Mortgages with which the said Lands Tenements Negroes or other Chattels or Hereditaments Stand charged at the time of Executing the said Deed all and every person and persons so offending shall be Tryed and punished and be subject to the like Forfeitures and Penalties as the Laws of that part of Great Britain called England have provided against all such persons as shall Execute Deeds of Mortgage without taking notice of all Prior Mortgages made.

Wills formerly made and not registered within 3 Months, except such as have been or may be made in Europe to be registered within a Twelve Month and a Day,

And be it further enacted by the Authority aforesaid that all Wills or Testaments Conveying Properties in this province that have been formerly made and not recorded in the former Office be Register'd in the Register of Records Office of this province within Three months from the passing of this Act Except such as have been or may be made in Europe all which shall be registered as aforesaid within a Twelve month and a Day otherwise they are Deemed and Construed to be void and all Wills and Testaments hereafter to be made within this province shall be Registered as above within three Months from the Death of the Testator in failure of which the said Wills or Testaments shall be Deemed and Construed to be void and of no Effect.

And all wills hereafter made within this Province to be registered within 3 months from the Death of the Testator. Deeds, etc. regularly entered in the former Office to be deemed lawfull.

And be it further Enacted by the Authority aforesaid

said that all Deeds of Conveyance Mortgages Wills or Writings that have been regularly entered in the former Office of Record of this province shall be deemed Lawfull to all intents and purposes any thing in this Act or any other Act contained to the contrary notwithstanding.

DA: DOUGLASS Speaker

In the Council Chamber

March the 7th 1755.

Assented to

J. REYNOLDS.

Passed the Assembly the 6th february 1755

Passed the Council the 17th february 1755

Secretarys Office True Copy taken from the Original certifyed by JAMES HABERSHAM Secr.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For Establishing a Market in the Town of Savannah and to prevent Forestalling Ingrossing and unjust Exactions in the said Town and Market.

Whereas great Extortions Impositions and Irregularities

A Market in the Town of Savannah.

regularities have been Committed by Forestallers Ingrossers and other evil disposed persons for want of a Market duly Established and Regulated in Savannah for Remedy whereof we humbly pray your most Sacred Majesty that it may be Enacted And be it Enacted by the Governor Council and Assembly of this your Majestys province of Georgia and by the Authority of the same that a Market shall be held and kept in Savannah on every day in the Week Except the Lords Day on which Day Fish only may be Sold at such place as shall be directed by the Commissioners herein after appointed and the place so appointed shall be Deemed the public Market in Savannah for Exposing to Sale Beef Mutton Veal Lamb Pork and other Butchery ware Poultry Fish Herbage Fruit and all other goods and wholesome provisions whatsoever and for the resort of all or any the Inhabitants of this Province for purchasing any the provisions offered to Sale therein and all Butchers and Poulterers Planters Victuallers and all other persons whatsoever shall and may there sell and Expose to sale his or their Beef Mutton Veal Lamb Pork or other Butchery Wares Poultry fish and other provisions whatsoever upon every day in the Week Except the Lords Day from Sun rise And if any person whatsoever shall Offer to Sale any matter of Butchery or Poultry Wares or other Provisions whatsoever in the said Market before Sun rise every person so offending and being thereof Convicted before the Commisioners herein after named on the Oath of Solemn Affirmation of any person shall forfeit and pay the Sum of Six Shillings

Preamble.

Enacted.

That a Market be kept in Savannah on every Day of the Week, except the Lords Day.

All Sorts of Provisions be sold in the said Market from Sunrise but not before on Penalty of 6s Sterlg. for every Offence.

lings Sterling for every such Offence which Fines shall be applied towards keeping in repair the Market place to be recovered by Warrant under the hands and Seals of any three of the said Commissioners and Leyed by Distress and Sale of Offenders Goods and Chattels.

No retailer to buy any provisions in the Market to sell again before 9 o'clock in the Forenoon on Penalty of forfeiting for every offence 15s Sterlg.

And to prevent Forestalling Be it further Enacted by the Authority aforesaid that no Retailer or other person whatsoever who buy any meat or provision of any Sort to Sell again shall enter into the said Market and Buy before the hour of Nine a Clock in the Forenoon from any of the Market people or other persons there any Meat Fish Poultery Herbage or Provisions of any other sort whatsoever to Sell the same again either in the said Market or else where under the pain of forfeiting for every such Offence Fifteen Shillings Sterling which fines shall be applied towards keeping in repair the Market place to be recovered as aforesaid.

Persons bargaining for provisions before exposed to Sale in the Market to forfeit 10s Sterlg. besides the Value of the Provisions so agreed for, and persons selling the same subject to the like penalty.

And be it further Enacted by the Authority aforesaid that no person bringing provisions of any kind to Town for Sale shall Contract or agree for the same before they be Exposed to Sale in the Market under penalty of forfeiting for every such Offence over and above the Value of the provisions so agreed for the Sum of Ten Shillings Sterling and the purchaser or Contracter as aforesaid shall for every such Offence be Subject to the like Penalty one half to the Informer and the other half shall be applyed towards keeping in Repair the said Market place to be recovered as aforesaid And to prevent false Weights

Weights and Measures being made use of Be it further Enacted by the Authority aforesaid that the Clerk of the Market for the time being shall provide himself with a Common Ballance and Common Weights and Measures sealed according to the Standard of the Exchequer and shall constantly keep the same and all Weights and Measures that shall be used in the said Town and Market shall be made agreeable to the said Standards and shall be Marked and Sealed by the said Clerk of the Market who shall be allowed a Fee for doing thereof as is herein appointed and no person or persons whatsoever shall presume to Buy or Sell at Savannah aforesaid any Commodities commonly bought or Sold by Averdupoize Weight by any Weights or Measures under the said Standards or with Weights or Measures not Sealed or Marked in form aforesaid or not Justly made according to the Standards aforesaid on pain of forfeiting the Sum of five Shillings Sterling for the first Offence and Fifteen Shillings Sterling for every other Offence of the like kind the one half thereof to be applyed towards keeping the Market place in Repair and the other half to the Informer to be recovered as aforesaid And the said Clerk of the Market is hereby Authorized to inspect and try all Weights and Measures used in the said Town and Market by the Standards aforesaid.

The Clerk of the Market to provide Weights & Measures sealed accordg to the Standard of the Exchequer and shall mark and Seal all Weights and Measures used in the said Town & Market of Savannah.

Penalty on Persons selling or buying with Weights or Measures under the Standard aforesaid.

And be it further Enacted by the Authority aforesaid that the said Clerk of the Market shall be allowed and paid by the Owner or person selling in the said Market the rates following namely For every

Fees of the Clerk of the Market.

every Ox Steer or Cow Sixpence Sterling For every Sheep Calf or Hog three Pence and for every pig under forty Pounds Weight one Penny For Sealing or Stamping every Weight Two pence Sterling for Sealing or Stamping every measure Two pence Sterling.

And in case any person or persons who shall sell any provisions in the said Market or shall use any Weights or Measures in the said Town for Buying and Selling shall refuse or Neglect to pay the said Rates and proportions to the said Clerk of the Market for the time being the said Clerk of the Market shall and may recover the same by a Warrant from the Commissioners.

Names of the Commissionrs. appointed to put this Act in Execution.

And be it further Enacted by the Authority aforesaid that William Russell James Campbel Robert Bolton Isaac Yonge Thomas Rasberry shall be Commissioners for putting in Execution this Act and they or the Majority of them are hereby invested with full power to see the same duly Executed accordingly to the true intent and meaning thereof.

Carrion or unwholesome Meat exposed to Sale to be burnt—

And be it further Enacted by the Authority aforesaid that if any person shall Expose to Sale in the said Market any Carrion or unwholesome Meats upon Complaint made thereof to the Commissioners and made appear to be true they are hereby Authorized to Cause the same to be taken away and burned or otherwise destroyed.

And be it further Enacted by the Authority aforesaid

aforesaid that all persons bringing such Necessarys to Market as aforesaid by Water as the bringing them up the Bluff of Savannah will Occasion great Labour and Charge all such person may sell them by wholesale or Retail at the Public Wharf of Savannah under the same Restrictions and regulations as are in this Act provided for the Town Market.

Persons bringing Provisions by Water may sell them at the public wharfe under same Regulations as at the Town Market.

And be it further Enacted by the Authority aforesaid that in Case any Action or Suit shall be sued prosecuted or Carried on against the said Commissioners Clerk of the Market or other person whatsoever for any matter Cause or thing whatsoever by them or any of them done or to be Done by virtue or in pursuance of the Directions of this Act it shall and may be Lawfull for them to plead the General Issue and give this Act and the Special Matter in Evidence And if the Plaintiff in such Action or Suit shall discontinue become Non Suit or a Verdict shall pass against him then and in every such Case the Court in which such Action or Suit shall be commenced or prosecuted shall tax and allow to the Defendant or Defendants his and their treble Costs of Suit for which every Defendant shall have like remedy as by Law is given to other Defendants for Recovery of Costs.

Persons sued may plead the General Issue.

And be it further Enacted by the Authority afores[d] that this Act shall be and remain in force for the Space of three years and from thence to the End

Continuance of this Act.

End of the next Session of the General Assembly and no Longer.

DA: DOUGLASS Speaker

In the Council Chamber

March the 7th 1755.

Assented to

J. REYNOLDS.

Passed the Assembly the 19th february 1755.
Passed the Council 21st february 1755.

Secretarys Office
True Copy taken from the Original certifyed by
JAMES HABERSHAM Secy.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For Ascertaining the Interest of money in the Province of Georgia.

Preamble. Whereas it is necessary for the Encouragement of Trade that the Interest of money should be ascertained in this Province We humbly pray your

Enacted. most Sacred Majesty that it may be Enacted And be it therefore Enacted by the Governor Council and Assembly of this your Majestys province of Georgia

Georgia and by the Authority of the same That it may and shall be Lawfull for any person or persons who shall at any time after the passing of this Act lend or any ways advance a Sum or Sums of money on Bond Mortgage or Note of Hand to take an interest not exceeding Ten ℔ Cent ℔ Annum shall be and is hereby deemed to be the Lawfull Interest of this province any Law Usage or Custom to the contrary hereof in any wise notwithstanding.

That it shall be lawful for an Person lending any Money on Bond, etc. to take an Interest not exceeding £10 ℔. Ct. ℔Ann'm Commissioners of the Loan Office as Comms. of that Loan excepted.

DA: DOUGLASS Speaker

In the Council Chamber

March the 7th 1755.

Assented to

J. REYNOLDS.

Passed the Assembly the 21st february 1755.
Passed the Council the 25th february 1755.

Secretarys Office
True Copy taken from the Original certifyed by
JAMES HABERSHAM Secr.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

To impower the several Surveyors hereafter named to lay out Public Roads in the Province of Georgia.

Whereas it is absolutely necessary that Public Roads

To Lay Out Public Roads.

Preamble.

Roads should be made thro' the Province of Georgia for a speedy communication to the most distant parts of it and for the ease and convenience of its Inhabitants.

Enacted.

We therefore humbly pray your most Sacred Majesty that it may be Enacted and be it Enacted by the Governor Council and Assembly of the Province of Georgia, and by the Authority of the same,

That the Surveyers herein after named be impowered to lay out High Roads etc. and to establish Ferries.

That the Surveyors herein after named and appointed shall be, and they are hereby impowered, to lay out such high Roads Private Paths, Bridges, Creeks, Causeways, and Water Passages in this Province and to establish such Ferrys, as they shall think proper, for the more direct and better convenience of the Inhabitants of this Province.

North West District described and surveyers for laying out Roads in the said District—Named and appointed.

And be it Enacted by the Authority aforesaid that the Lands from the Spring Bridge over Musgrove's Creek to the Vilage of Goshen, the Inhabitants to the North West on the River Savannah, and settlements on the Islands in the said River, and the Inhabitants to the West to Pipe Makers Creek, and the Plantation of Joseph Gibbons, And the Settlements to the North of James Habersham Sen^{r}. and Jun^{r}. and the Plantation of Jonathan Bryan to the East of Savannah, shall be the North West District And that Jonathan Bryan, John Hamm, William Francis, Joseph Gibbons William Dews and Isaac Young shall be, and they are hereby appointed Surveyors of the High-ways for the said District.

And be it Enacted by the Authority aforesaid That

That the Lands from the Vilage of Goshen to Bartons Branch on the River Savannah including the Inhabitants of the said River and Ten Miles back of the same And the Inhabitants of the Islands in the said River, shall be the second North West District. And that Mathias West, John Flerl Ludwig Meyer, Theobald Keiffer, Christian Reidlesperger and Mathias Zetler, shall be, and they are hereby appointed Surveyors of the Highways for the said District.

The second North West District described and Surveyers appointed.

And be it Enacted by the Authority aforesaid, That the Lands from Bartons Branch to Bryer Creek, towards the Settlement of Hillifax including all the Settlers between the Savannah, Ogeeche Rivers, and Augusta to the furthest Settlements on that Division, shall be the third North West District, And that Patrick Brown, John Fitz, Robert Germany, Thomas Red William McDonald and William Newberry, shall be, and they are hereby appointed Surveyors of the Highways for the said District.

The third North West District described and Surveyers appointed.

And be it Enacted by the Authority aforesaid, That the Lands from Savannah to the Bridge on the North Branch of little Ogeeche River and from thence to the Bridge on the South Branch of the said little Ogeeche River, and from thence the most convenient way to great Ogeechee River including the Inhabitants of the Town of Savannah and the Inhabitants of the South and West side of little Ogeeche River, shall be called the South West District and that Francis Harris Esq^{r}. Philip Delegall Jun^{r}. John Milledge, James Deveaux, John Deveaux

The Southwest District described and Surveyers named.

veaux and William Elliot, shall be, and they are hereby appointed Surveyors of the Highways for the District.

The South East District described and Surveyers appointed—

And be it Enacted by the Authority aforesaid That the Lands from the Town of Savannah to the East of the said Town (except the Plantation of Jonathan Bryan Esq[r].) Acton and Vernonburgh leading to the Plantation of M[rs]. Ann Parker on Skiddoway River, and from thence through the Island of Skidoway as shall be thought convenient including the Inhabitants of the Sea Islands from Tybee to Green Islands, shall be the South East District, And that Noble Jones Esq[r]. Samuel Mercer, John Barnard, Henry Parker, John Davis and Henry Yonge shall be and they are hereby appointed Surveyors of the High Ways for the said District.

The Southern District described and Surveyers appointed.

And be it Enacted by the Authority aforesaid That the Lands from the Town of Savannah to the Vilages of Hamstead and Highgate, Acton and Vernonburgh including the Inhabitants of Acton and Vernonburgh, the Settlements to the Southward of Vernonburgh on Vernon River and the Inhabitants to the Eastward of the South West Road aforesaid shall be the Southern District, and S[r]. Patrick Houstoun, Edmund Tennatt Michael Bourghalter George Uland, David Keiffer Jun[r]. and George Derick, shall be, and they are hereby appointed Surveyors of the Highways for the said District.

And be it Enacted by the Authority aforesaid That

That all Lands from the great Ogeechee River up the said River to the Branches—Cowanachee River, and to the town of Hardwicke and from the Place the said Road Crosses the great Ogeeche River, to that part of the head of Midway River, the most convenient for carrying on a more Southern Road, be called York District. And that Elisha Butler, James Mackay, John Harn, Charles West, John Cubbage, and William Butler, be and they are hereby appointed Surveyors of the Highways for the said District.

York District described and Surveyers appointed.

And be it Enacted by the Authority aforesaid, That the Lands from the head of Midway River Aforesaid, the most convenient way down the Neck between Midway and Newport Rivers to the Plantation of Cap^{t}. Mark Carr on Midway River, and from the head of Midway as aforesaid to that part of Newport River that shall be thought most convenient for carrying on the Southern Road, by the Surveyors hereafter named which District shall extend to the most Southern Swamp of the North Branch of Nawport River, And shall be called the Midway District, And that Parmenus Way, John Lupton, John Quarterman Sen^{r}., Kenneth Bailey, Midleton Evans, Joseph Bacon, and John Stephens be, and they are hereby appointed Surveyors of the Highways for the said District.

Midway District described and Surveyers appointed.

And be it further Enacted by the authority aforesaid, That the Lands from the most Southern Swamp of the North Branch of Newport River, to the

The most Southern District described and Surveyers appointed.

the River Altamaha and Darien and all the Inhabitants to the Sea, shall be the most Southern District, And that John Mackintosh B. William Mackintosh, Hugh Clark, Rodorick Mackintosh William Mackintosh and Angus Clark be, and they are hereby appointed Surveyors of the Highways for the said District.

Surveyers to assess equally the Inhabitants of Savannah and other Towns and Districts for mending the Roads Etc. where the same cannot be performed by Personal Labour.

And be it further Enacted by the Authority aforesaid, That the Surveyors aforesaid shall be and they are hereby empowered equally and Indifferently to Assess all the Inhabitants of The Town of Savannah and other Towns in this Province according to their several Estates within the same, in order to raise such Sum and Sums of money as will be necessary and wanting, to mend and repair the Public Roads, Creeks, Bridges and passages within their several Districts, where the same cannot be performed by Personal labour of themselves or Servants, that the said Surveyors shall Judge proportionable to their Estates—And in Case the said Inhabitants of Towns as aforesaid shall refuse or neglect to pay such Sum or Sums so assessed, or find personal Labour as aforesaid it shall and may be Lawfull for the said Surveyors, and they are hereby impowered, to Issue a Warrant under their Hands and Seals, directed to any Constable in the said Town or District, to Levy on the Goods and Chattels of such Person as shall refuse or neglect to pay as aforesaid, the sums of Money assessed on them, for neglect to find Personal Labour as aforesaid, and to expose the said Goods to public Sale, returning the overplus

Persons neglecting to find Personal Labour to pay 2d Sterling ℔ Diem and how to be recovered—

overplus if any there be to the Owner of the said Goods deducting the reasonable Charges on the said Warrant, and the Assessment for neglect of Personal Labour shall be two Shillings sterling ℔ Diem and no more.

Surveyers empowered to agree with any Person to build Bridges to be defrayed at the equal Charge and Labour of all the Male Inhabitants from 16 to 60 years of age within their several Districts.

And be it Enacted by the Authority aforesaid That and every the Surveyors aforesaid, within their respective Districts shall have full power and Authority, and they are hereby authorized and Impowered to agree with any discreet and Sober man to under take the Building any Bridges as they shall see meet and most convenient, and shall Levy such Sum or Sums of Money for defraying the charges of the same by an equal Proportion on all the Males from the Ages of Sixteen to Sixty, as shall be within their several Districts or by personal Labour of the said Males, And the said Surveyors are hereby further Impowered to Appoint one or more Person or Persons within their several Districts to Summons all such Male Persons as are herein by this Act before expressed, to Work on the Several High Roads, private Paths Causeways, Bridges Creeks Passages, and Water Courses, and the Person or Persons so Summoning, for this trouble shall be exempted from their Labour on the Road for the time of Working by that Summons.

And to appoint Persons to summon all such Male Persons.

And be it further Enacted by the Authority aforesaid that where any River or Creek lies between two Districts and either of the said Districts shall desire a Bridge to be built over the said River or Creek

A bridge over a River lying between two Districts to be built at the equal Charge of the Inhabitants of both Districts.

Creek for the convenience of the Inhabitants; the Surveyors of both the said Districts shall meet and assess and levy the same rateably and proportionably on the Inhabitants of both such Districts, and the Inhabitants of both the said Districts shall likewise from time to time repair all Bridges lying between the two Districts, at their equal charge or Labour.

Persons ordered to summon the several Persons aforesaid for the said Work. shall on refusal forfeit 30s sterling.

And that all such Person and Persons so ordered by this Act to summons the several Persons aforesaid for the service of said Work (having direction so to do, under the Hands of the Majority of Surveyors appointed for that District) and shall refuse the same, or shall not immediately follow such directions without giving substantial or Satisfactory reasons to the above said surveyors for their Neglect therein forfeit the sum of Thirty Shillings Sterling to be levyed by the Constable of said District to which such Person or Persons so refusing shall live in by Virtue of a Warrant under the Hands and Seals of the Majority of such Surveyors as are in that District as by this Law is appointed, to be applyed towards defraying the Charges of said Work; and that all such Person or Persons after summons refusing to go, and Send all the Male Persons so warn'd by the said Person appointed for that Service, shall for himself and all other Male Persons belonging to him, forfeit the Sum of Two Shillings ℔ Diem (Cases of sickness only excepted) for each Male Person for the use of the Road, to be levyed after the same manner as is herein before directed, and

Persons refusing to go, when summoned, to pay 2s sterling ℔ diem—

and the Surveyors appointed for each District within mentioned have hereby full Power and Authority to nominate choose and appoint one or more Overseer or Overseers to attend, View, direct and manage all such Male Persons aforesaid, for the better carrying on the said Work, and such Overseer or Overseers are hereby impowered moderately to Correct all such Slaves as shall be negligent in the Duty or Service provided they make use of no other Instrument of Correction but a Switch, Cow Skin, or Horse Whip, and give moderate Correction; and in Case any White person neglecting to Work or do his Duty when in place then the said Overseers shall return the Name of such Person to the Surveyors, who may according to their Judgment, Fine the said Person, in such Sum as they shall think fitt, not exceeding the Sum of Two Shillings ℔ Diem for the first fault and if repeated, not giving to said Surveyors reasons to them sufficient, shall be liable to a fine not exceeding Twenty Shillings over and above two Shillings ℔ Diem— And the Overseer and Overseers, so chosen, and refusing to do their Duty shall forfeit the Sum of Thirty Shillings to be levyed as aforesaid.

Overseers to be appointed, their Duty and Penalty for Neglect.

And be it further Enacted by the Authority aforesaid That if any Person or Persons shall at any time stop up, alter or do any manner of Damage by stoping of Water or other Ways, to any of the High Roads, private Paths, Bridges or Causways or Water Courses, laid out or to be laid out by any of the above Surveyors, persuant to the Power granted them

Persons that shall do any Damage to any Roads Etc., how to be proceeded against—

them by this Act; every Person or Persons so Offending shall be summoned and required by the said Surveyors of that part or Precinct, where the Fault was committed forthwith to Amend repair and Clear the same, and in Case of their refusal or neglect thereof, at the Discretion of the Surveyors to be Fined any Sum not exceeding Five Pounds, for each time the Surveyors shall give the said Person so Offending Notice to amend repair and clear the same, allowing three Days between each Notice, and for Non-payment of the same the Constable of the said respective District by a Warrant under the Hands and Seals of the said Surveyors, or the Major part of them to him directed, is hereby Ordered and required to levy or distrain for the same and all such Money so levyed or distrained, shall by the said Surveyors be laid out and Employ'd for the better repairing the said Roads, or Highways, within the Division of the respective Surveyors, so granting said Warrant.

Public Roads to be 24 feet wide & the Surveyers are to give Directions for leaving such Trees standing as shall be convenient for Shade—

And be it further Enacted by the Authority aforesaid that when the Public Roads shall be laid out, Each Road shall be Twenty four feet wide, and when such Roads shall be altered or Mended in any part of the said Province, that the Surveyors of such District shall give directions for the leaving such Trees standing on or near the Line of each Road or Path, as shall be most convenient for Shade to the said Road or Path, and in Case any Person after such Road or Path is laid out, altered and Clear'd shall cut down a Tree, growing within Ten feet of the

the Path, shall for each Tree so Cutt down forfeit the Sum of Twenty Shillings, to be disposed as in the case of defaulters, and to be levyed after the same manner as aforesaid.

And any Person cutting down such Trees to pay 20s Sterlg for every Tree.

And be it further Enacted by the Authority aforesaid That if any one of the Surveyors hereby appointed, for makeing mending and altering High Roads, private Paths, Causways, Bridges Creeks, passages and Water Courses, as is herein before expressed mentioned or Intended by the said Act to be mentioned intended or expressed, shall refuse to Act or do his Duty (Cases of Sickness only excepted) in and about the making, mending and altering the Several high Roads, private Paths, Causways Bridges, Creeks passages and Water Courses as aforesaid shall forfeit Twenty Shillings, as often as he shall neglect to join the Surveyors, which Sum or Sums so forfeited shall be recovered by a Warrant under the Hands of the Majority of the Surveyors of the District to be dispos'd off for the use of the Roads.

Any Surveyer negleeting his Duty to forfeit 20s sterlg. for every Offence.

And be it further Enacted by the Authority aforesaid That if any Person or Persons whatsoever by themselves, Slaves or Servants, shall by any Ways or means Stop up or Obstruct the Passage on the Roads aforesaid or hinder, forbid, or threaten the Surveyors or any Traveler from Travelling the said Roads or shall forbid or opose the said Surveyors themselves Servants or Workmen from Cutting down, falling or making use of Timber, Wood Earth

Any Person that shall hinder the Surveyers in making or mending Roads to forfeit £5 for every offence.

Earth or Stones in or near the said Roads, for mending making or repairing the same as aforesaid, shall for each and every such Offence forfeit the Sum of Five Pounds, to be recovered by the said Surveyors, in that District where that Offence is committed by Information in any Court of record, and the Money so recovered to be by them disposed of, for repairation of the said Road.

Surveyers to meet Twice a year to determine all Matters concerning the Roads and to choose a Surveyer in the Room of any one that may dye Etc.—

And be it further Enacted by the Authority aforesaid That all the Surveyors hereby appointed for each District shall meet at the Place where the Majority of the Surveyors shall think fitt, at least twice in a Year Viz^{t}. on Easter Monday, and on the first Monday in August and the said Surveyors or the Majority of them so mett are hereby impowered to determine all disputes that may arise in any respect, concerning any of the said High Roads private Paths, Bridges, Causways, Creeks, passages and Water Courses already made, or which they shall think proper to be made in their said District And also to agree to the dividing the several parts of the Paths, to each Surveyors particular Care, as they shall then and there agree to, and Assign every Person lyable to Work, and to Choose another Surveyor in the place of any one or more that may happen to dye or go of this Province, or refuse to Act.

And be it further Enacted by the Authority Aforesaid, That in Case the Surveyors of each District or the Majority of them, for any reason whatsoever shou'd neglect as they are herein before directed

directed so that all or any of the Highways in such District may be neglected to the great Prejudice of this Province, Then in such Case the Governor for the Time being is hereby desired and impowered on application made to him from any three or more of the Surveyors in the said District, to appoint one or more Surveyors to Act in the room of him or them, that may be Dead, gone of or removed out of the District, or refuse to Act, Which Surveyor so appointed shall have the same Power and be subject to the same Penaltys as the Surveyors herein before named—And the Surveyors appointed in this Act, shall be accountable to the Governor and Council, or to the General Assembly when siting for the application of all Fines levyed by Virtue of this Act.

Surveyers refusing to act or for any Reason neglecting to comply with the Directions of this Act, the Governor may (upon application) appoint others.

Surveyers to be accountable to the Governor and Council or General Assembly when sitting for the application of all Fines.

And be it Enacted by the Authority aforesaid that the Surveyors herein appointed or the Majority of them, in their Several Districts, may and are hereby impowered to divide their Districts into two or more Divisions and to appoint the places and parts of such Divisions to the several Inhabitants therein, as they shall from Time to Time find will be for their ease and convenience, And if it shall so happen, that only one Surveyor be upon any part of the Road where the People are at Work, his Orders and Directions in regard to the said Work, shall be as duly observed, as if the whole Number of the Surveyors of the Roads were present, under the like Penaltys as are heretofore provided.

Surveyers may divide their respective Districts into two or more Divisions—

The orders of any one Surveyer when at work on the Road to be observed.

And be it further Enacted by the Authority aforesaid

Surveyers may Establish Ferries, and agree with any Person to find a Boat and settle the Fare, till the meeting of the next General Assembly, giving the Preference to the Person, whose Land the Ferry may cross—

aforesaid, That where the Surveyors may find it necessary in their Several Districts or Divisions to appoint Ferries over Rivers or Creeks for the convenient and speedy communication of the Inhabitants of this Province, they are hereby impowered to Establish the same, and agree with any Discreet and Sober Person to find a proper Boat to attend the said Ferry, and to Settle the fare of the same, which shall be accordingly paid till the meeting of the next General Assembly, always giving the prefference to those whose Land the said Ferry Crosses.

Surveyers empowered to summon the Inhabitants liable to work on the Roads in their several Districts to make Cutt-offs, and the Persons so working are to be exempted labouring on the Roads that year—

And be it Enacted by the Authority aforesaid That the Surveyors herein appointed in their several Districts and Divisions, where it may be convenient to make Cutt-offs from River, to River, or from Creek, to Creek, for the convenience of Water Carriage, the said Surveyors are hereby impowered to summon such a Number of the Inhabitants, as are liable to Work on the Roads in their several Districts and Divisions, as they shall judge equal to the said Labour, and the said Persons so Working on the Cutt-offs as aforesaid shall be for that Year exempted from their Labour on the High Ways, and in case such Person or Persons shall refuse to Work on the said Cutt-offs they shall be liable to the same Penaltys as defaulters on the Roads.

After the Roads directed by this Act are made, the Surveyers may lay out any other public Roads, that may be wanted.

And be it Enacted by the Authority aforesaid that the Surveyors herein appointed in their several Districts and Divisions, are hereby impowered to lay out any other Public Roads that may be for the Benefit

To Lay Out Public Roads.

Benefit and advantage of any particular District or Division, the Roads herein before directed being first made—That Said Surveyors in their Several Districts and Divisions shall likewise have Power to lay out any private Path (when Application is made to them) for the convenience of particular Settlements to the nearest Public Road, or Landing Places, which Roads are to be made by the proportionable labour and Expence of such Persons so applying, or that shall use the same in Common with that neighbourhood, and by no other Person or Persons whatsoever.

And may (upon application) lay out any private Path, to be made by the proportionable Labour of the Persons applying for, or that may use, the same—

And be it further Enacted by the Authority aforesaid, that the Surveyors herein appointed shall not oblige the Inhabitants of this Province to Work more than Six Days at one Time, and not more than twice in One Year.

Persons not to work more than 6 Days at one Time, and not more than twice in one year.

This Act to continue in force for two Years, and from thence to the end of the next Sessions of Assembly and no longer.

The Duration of this Act—

DA: DOUGLASS Speaker

In the Council Chamber
March the 7th 1755.

Assented to
J. REYNOLDS.

Passed the Assembly
the 17th February 1755.
Passed the Council
the 20th february 1755.

Secretarys Office
True Copy taken from the
Original certifyed by
JAMES HABERSHAM Secr.

(From

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For the better Ordering and Governing Negroes and other Slaves in this Province.

Preamble.

Whereas in his Majestys Plantations in America Slavery has been introduced and Allowed and the people commonly called Negroes, Indians, Mulatos, and Mestizos have been deemed Absolute Slaves and the Subjects of property in the hands of Particular persons the Extent of whose power over such Slaves ought to be settled and Limited by positive Laws so that the Slaves may be kept in due Subjection and Obedience and the owners and other persons having the Care and Government of Slaves may be restrained from exercising too great Rigour and Cruelty over them and that the Public peace and order of this province may be preserved We pray your most Sacred Majesty that it may be Enacted.

Enacted.

What persons are deemed Slaves.

And be it Enacted by the Governor Council and Assembly of this your Majestys province of Georgia and by the Authority of the same That all Negroes Indians (free Indians in Amity with this Government and Negroes Mulatos or Mestizos who are now free Excepted) Mulatos or Mestizos who now are or shall hereafter be in this Province and all their Issue and offspring Born or to be Born shall be and they are hereby declared to be and remain for ever hereafter absolute Slaves and shall follow the Condition of

of the Mother and shall be deemed in Law to be Chattels personal in the Hands of their Owners and possessors and their Executors Administrators and Assigns to all intents and purposes whatsoever Provided always that if any Negro Indian Mulato or Mestizo shall claim his or her Freedom it shall and may be Lawfull for such Negro Indian Mulato or Mestizo or any Person or Persons whatsoever on his or her own Behalf to be applyed to the Justices of the General Court by Petition or Motion either during the Sitting the said Court or before any of the Justices of the same Court at any time in the Vacation And the said Court or any of the Justices thereof shall and they are hereby fully Impowered to admit any person so applying to be Guardian for any Negroe Indian Mulato or Mestizo Claiming his her or their freedom and such Guardians shall be enabled intituled and Capable in Law to bring an Action of Tresspass in the Nature of Ravishment of Ward against any person who shall Claim property in or who shall be in possession of any such Negroe Indian Mulato or Mestizo And the Defendant shall and may plead the General Issue on such Action brought and the Special Matter may and shall be given in Evidence and upon a General or Special Virdict found Judgment shall be given according to the very right of the Cause without having any reguard to any Defect in the proceedings either in form or Substance and if Judgment shall be given for the plaintiff a Special Entry shall be made declaring that the Ward of the Plaintiff is free and the Jury shall assess Damages which the Plaintiffs Ward

Guardians of Negroes &c. claiming their Freedom may bring an Action of Trespass—

The Defendant may Plead the General Issue.

Ward hath sustained and the Court shall give Judgment and award Execution Against the Defendant for such Damages with full Costs of Suit but in Case Judgment shall be given for the Defendant the said Court is hereby fully impowered to Inflict such Corporal punishment not Extending to Life or Limb on the Ward of the Plaintiff as they in their Discretion shall think fit.

Proviso.

Provided always that in any Action or Suit to be brought in pursuance of the Direction of this Act the Burthen of the proof shall lay upon the plaintiff and it shall be always presumed that every Negro Indian Mulato and Mestizo is a Slave unless the Contrary can be made appear (the Indians in Amity with this Government Excepted) in which Case the burthen of the proof shall lie on the Defendant.

The Defendant to give Security to produce the Ward of the Plaintiff—

And be it further Enacted by the Authority aforesaid that in every Action or Suit to be brought by any such Guardian as aforesaid appointed pursuant to the direction of this Act the Defendant shall enter into a Recognizance with one or more Sufficient Suretys to the Plaintiff in such Sum as the said General Court shall direct with Condition that he shall produce the Ward of the Plaintiff at all times when required by the Court and that whilst such Action or Suit shall be depending and undertermined the Ward of the Plaintiff shall not be eloigned abused or misused— And for the better keeping Slaves in due order and Subjection Be it further Enacted by the Authority aforesaid That no person

person whatsoever shall permit or Suffer any Slave under his or their Care or Management and who lives or is Employed in Savannah or any other Town in this Province to go out of the Limits of the said Town or any such Slave who lives in the Country to go out of the plantation to which such Slave belongs or in which plantation such Slave is usually Employed without a Letter Superscribed or a Ticket which Ticket shall be Signed by the Master or other person having the care or charge of such Slave or by some other person by his or their Order Direction and Consent—And every Slave who shall be found out of Savannah or any other Town if such Slaves lives or is usually employed there or out of the P[l]antation to which such Slaves belongs or in which such Slave is usually employed if such Slave lives in the Country without a Letter or Ticket as aforesaid or without a white person in his Company shall be punished with Whipping on the Bare back not Exceeding Twenty Lashes And be it further Enacted by the Authority aforesaid that if any person shall presume to give a Ticket or Licence to any Slave who is the property or under the Care or Charge of another without the Consent of the Owner or other person having the Charge of such Slave he shall forfeit to the Owner the Sum of Three pounds Sterling.

Slaves not to be absent from their place of Abode without a Letter or Ticket.

And if absent without a Ticket &c. to be punished—

Any person giving a Ticket to a Slave without the consent of his Master to forfeit £3.

And be it further Enacted by the authority aforesaid that if any Slave who shall be out of the House or plantation where such Slave shall live or shall be usually employed or without some White person in Company

Slaves refusing to be examined by any White Person may be corrected and if they resist may be lawfully killed—

Company such Slave shall refuse to Submit to undergo the Examination of any white person it shall be Lawfull for any such white person to pursue Apprehend and Moderately correct such Slave and if such Slave shall assault and Strike such white person such Slave may be Lawfully killed.

Slaves beaten &c. without Cause every Person so offending shall forfeit 6s Sterlg. to the poor.

Provided always And be it further Enacted by the Authority aforesaid that if any Negro or other Slave who shall be Employed in the Lawfull Bussiness or Service of his Master Owner—Overseer or other person having charge of such Slave shall be beaten Bruised Maimed or Disabled by any person or persons not having sufficient Cause or Lawfull Authority for so doing (of which Cause the Justices of the peace respectively may Judge every person and persons so offending shall for every such Offence forfeit and pay the Sum of Six Shillings Sterling over and besides the Damages herein after mentioned to the use of the poor of the District in which such Offence shall be committed. And of such Slave or Slaves shall be maimed or disabled by such Beating from performing his or her Work such person and Persons so Offending shall also forfeit and pay to the Owner or Owners of such Slaves the Sum of Two Shillings Sterling ℔ Diem for every day of his Lost time and also the Charge of the cure of such Slave and Satisfaction shall also be made to the Owner for the Damage done to such Slave and the Damage to be ascertained by two Freeholders of the Neighbourhood one to be Chose for the Owner and the other by the Offender—And if the said Damages

And if such Slave shall be disabled from performing his Work the Offender shall forfeit 2s Steg. ℔ Day for each day of his lost time and also pay for the Cure of Such Slave—

in

in the whole shall not exceed the Sum of Three pounds the same shall upon lawfull proof thereof made be recoverable before any One of his Majestys Justices of the peace—And such Justice before whom the same shall be recovered shall have power to commit the Offender or Offenders to Goal if he she or they shall produce no goods on which the said penalty and Damages may be levied there to remain without Bail until such penalty and Damages shall be paid any Law Statute Usage or Custom to the Contrary notwithstanding.

How to be recovered.

And be it further Enacted by the Authority aforesaid that it shall and may be Lawfull for every Justice assigned to keep the peace in this province within his respective district and Jurisdiction upon his own knowledge or View or upon Information received upon Oath either to go in person or by Warrant or Warrants directed to any Constable or other proper person to command to their Assistance any Number of Persons as they shall see Convenient to dispose any Assembly or meeting of Slaves which may disturb the peace or endanger the safety of his Majestys Subjects and to Search all Suspected places for Arms Ammunition or Stolen Goods and to apprehend and Secure all such Slaves as they shall Suspect to be guilty of any Crimes or Offences whatsoever and to bring them to Speedy Tryal according to the Direction of this Act And in Case any Constable or other person shall refuse to obey or Execute any of the Warrants or precepts of such Justices or any of them within their several Limits and

Justices to be impowered to Command any Number of persons as they shall see Convenient to disperse any Assembly or meeting of Slaves &c. and Search for Arms Ammunition or Stolen Goods & to apprehend Suspected Slaves &c.

Persons refusing to Execute the Justices Warrant when commanded shall forfeit 15s. Sterling—

and precincts or shall refuse to Assist the said Justices or Constables or any of them when commanded and required such person or persons shall forfeit and pay the Sum of Fifteen Shillings Sterling to be recovered by a Warrant under the hand and Seal of any other Justice of the peace.

How to be recovered.

Persons maimed or wounded in taking runaway Slaves to be rewarded by the General Assembly—

And be it further Enacted by the Authority aforesaid that if any person shall be maimed Wounded or disabled in pursuing apprehending or taking any Slave that is run away or Charged with any Criminal Offence or in doing any other Act matter or Thing in Obedience to or in pursuance of the Direction of this Act he shall receive such Reward from the Public as the General Assembly shall think fitt And if any such person shall be killed his Heirs Executors or Administrators shall receive the like reward.

How Slaves are to be tried for Offences Capital—

And Whereas Natural Justice forbids that any person of what Condition so ever should be Condemned unheard and the Order of Civil Government requires that for the due and Equal Administration of Justice some Convenient Method and form of Tryal should be established. Be it therefore Enacted by the authority Aforesaid that all Crimes and Offences which shall be Committed by Slaves in this province and for which Capital punishment shall or Lawfully may be inflicted shall be heard examined tried adjudged and finally determined by any two Justices assigned to keep the peace and any Number of Freeholders not less than Three or more than five

five in the District where the Offence shall be Committed and Can be most conveniently assembled either of which Justices on Complaint made or Information received of any such Offence committed by any Slave shall commit the Offender to the safe Custody of the Constable of the District where such Offence shall be committed and shall without delay by Warrant under his hand and Seal call to his assistance and request any One of the nearest Justices of the peace to associate with him and shall by the same Warrant Summon such a Number of the Neighbouring Freeholders as aforesaid to assemble and meet together with the said Justice at a Certain Day and place not Exceeding three days after the Apprehending of such Slave or Slaves and the Justices and Freeholders being so assembled shall cause the Slave accused or charged to be brought before them and shall hear the accusation which shall be brought against such Slave and his or her Defence and shall proceed to the Examination of Witnesses and other Evidence and finally hear and determine the matter brought before them in the most Summary and Expeditious manner And in Case the Offender shall be Convicted of any Crime for which by Law the Offender ought to suffer death the said Justices shall give Judgment and award and Cause Execution of their Sentence to be done by Inflicting such manner of Death and at such time as the said Justices by and with the Consent of the Freeholders shall direct and which they shall Judge will be most Effectual to deter others from Offending in like manner.

And

And for Offences not Capital.

And be it further Enacted by the Authority aforesaid that if any Crime or Offence not Capital shall be Committed by any Slave such Slave shall be proceeded Against and tried for such Offence in the manner herein before directed by any one Justice of the peace and any two Freeholders of the District where the offence shall be Committed and can be most conveniently Assembled And the said Justice and Freeholders shall be called together and Shall proceed upon Trial of any Slave who shall commit any Offence not Capital in like manner as herein before directed for trying of Cases Capital And in Case any Slave shall be Convicted before them of any Offence not Capital The said One Justice by and with the Consent of the said Freeholders shall give Judgment for the Inflicting any Corporal Punishment not extending to the taking away life or member as he and they in their discretion shall think fit and shall award and cause Execution to be done accordingly provided Always That if the said One Justice and Two Freeholders upon Examination of any Slave Charged or Accused before them for an Offence not Capital shall find the same to be a greater Offence and may deserve death they shall with all Convenient Speed Summons to their Assistance another Justice and one or more Freeholders not Exceeding Three all which said Justices and Freeholders shall proceed in the Tryal and unto final Judgment and Execution if the Case shall so require in manner as is herein above directed for the Tryal of Capital Offences.

Proviso.

And

And be it further Enacted by the Authority aforesaid that so soon as the Justice or Justices and Freeholders shall be assembled as aforesaid in pursuance of the Direction of this Act the said Justices and Freeholders shall take the following Oath I. A. B. do solemnly Swear in the presence of Almighty God That I will truly and impartially try and adjudge the prisoner or prisoners who shall be brought before me upon his or their Trial and honestly and duly on my part put in Execution on this Trial an Act entituled An Act for the better ordering and Governing Negroes and other Slaves in this province according to the best of my Skill and Knowledge So help me God.

Oath to be administered on the Tryal of Slaves.

And for the preventing the Concealment of Crimes and Offences committed by Slaves and for the more effectual Discovery and bringing Slaves to Condign punishment Be it further Enacted by the authority aforesaid That not only the Evidence of any Free Indians without Oath but the Evidence of any Slave without Oath shall be allowed and admitted in all Causes whatsoever for or against another Slave accused of any Crime or Offence whatsoever the Weight of which Evidence being Seriously considered and compared with all other Circumstances attending the Case shall be left to the Conscience of the Justices and Freeholders.

Evidence to be Allowed against Slaves—

And Whereas Slaves may be harboured and encouraged to Commit Offences and Concealed and received by Free Negroes and such Free Negroes may

may Escape the punishment due to their Crimes for want of sufficient and Legal Evidence against them,

And against free Negroes.

Be it therefore further Enacted by the Authority aforesaid That the Evidence of any Free Indian or Slave without Oath shall in like manner be allowed and admitted in all Cases against any free Negroes Indians (Free Indians in Amity with this Government only Excepted) Mulato or Mestizos and all Crimes and Offences committed by the Negroes Indians (except as before Excepted) Mulatos or Mestizoes shall be proceeded and tryed by the Justices and Freeholders appointed by this Act for the Trial of Slaves in like manner as is hereby directed for the proceedings and Trial of Crimes and Offences committed by Slaves any Law Statute Usage or Custom to the Contrary Notwithstanding.

Crimes declared Felony.

And whereas some Crimes and Offences of an enormous nature and of the most pernicious consequence may be Committed by Slaves as well as other persons which being peculiar to the Condition and Situation of this province could not fall under the provision of the Laws of England Be it therefore Enacted by the authority aforesaid that the Several Crimes & offences hereinafter particularly enumerated are hereby declared to be Felony without the Benefit of the Clergy, (that is to say) If any Slave free Negro Mulato Indian or Mestizo shall wilfully and Maliciously burn or destroy any Stack of Rice corn or other grain of the product growth or Manufacture of this province or shall willfully or Maliciously

iously sett fire to burn or Destroy any Tar kiln Barrels of pitch Tar Turpentine or Rozin or any other Goods or Commodities of the growth produce of Manufacture of this Province or shall feloniously Steal any Slave being the property of Another or shall willfully and Maliciously poison or administer any poison to any person Freeman Woman Servant or Slave every such Slave free Negro Mulato Indian (Except as before Excepted) and Mestizo shall suffer Death as a felon.

Slaves who shall Attempt to raise an Insurrection or to entice other Slaves to run away and leave this Province to suffer Death.

And be it further Enacted by the Authority aforesaid that any Slave who shall be guilty of homiside of any Sort upon any white person excepting by misadventure or in defence of his Master or other person under whose Care and government such Slave shall be shall upon Conviction thereof as aforesaid suffer Death and every Slave who shall raise or attempt to raise an Insurrection in this Province or shall endeavor to delude or entice any Slave to run away and leave this province every such Slave and Slaves and his and their Accomplices Aiders and Abetters shall upon Conviction as aforesaid Suffer Death Provided such Slave shall have actually prepared Provisions Arms Ammunition Horse or Horses or any Boat Canow or other Vessell or done any other Overt Act whereby such their Intention shall be Manifested—Provided always that it shall and may be Lawfull to and for the Justices who shall pronounce Sentence against such Slaves by and with the Advise and Consent of the Freeholders as aforesaid if several Slaves shall receive Sentence

Proviso.

The Justices with the Consent of the Freeholders if several Slaves shall receive sentence at one Time, may mitigate the Punishment of any of them, except such as shall be convicted of the Homicide of a White Person—

Sentence at one time to Mitigate and alter the Sentence of any Slave other than such as shall be Convicted of the homicide of a White person who they shall think may deserve mercy and may inflict some Corporal punishment other than Death on any such Slave as they in their discretion shall think fitt any thing herein contained to the Contrary thereof in any ways notwithstanding.

Penalties on persons attempting to Steal any Slave &c.

And be it further Enacted by the authority aforesaid That no person shall attempt or endeavor to Steal or Carry out of this Province hide Conceal or employ any Slave with intent to Carry such Slave out of this Province (or remote from the abode or plantation of the Owner of such Slave within this Province) on penalty of fifty pounds Sterling But whoever shall actually Steal a Slave or deface his her or their Mark shall be Guilty of Felony and shall be Excluded the Benefit of Clergy.

If any Slave shall be executed for any Crime The Justices and Freeholders shall appraise such Slave at any Sum not exceeding £50 and shall certify the same to the public Treasurer who is required to pay the same—

And to the End that Owners of Slaves may not be tempted to conceal the Crimes of their Slaves to the prejudice of the public Be it further Enacted by the authority aforesaid that in Case any Slave Shall be put to death in pursuance of the Sentence of the Justices and Freeholders aforesaid The said Justices or one of them with the Advice and Consent of any two of the Freeholders shall before they award and order their Sentence to be Executed Apprize and Value the said Negro so to be put to death at any Sum not Exceeding Fifty pounds and shall certify such appraisment to the public Treasurer of this province

province who is hereby authorized to pay the same one Moiety thereof at least to the Owner of such Slave or to his Order and the other Moiety or such part thereof as such Justices and Freeholders shall direct to the person Injur'd by such Offence for which such Slave shall Suffer death.

Justices impowered to Compel any persons to appear and give Evidence on the Trial of Slaves—

And be it further Enacted by the Authority aforesaid that the said Justice or any of them are hereby authorized impowered and required to Summon and Compel all persons whatsoever to appear and give Evidence upon the Trial of any Slave and if any person shall neglect or refuse to appear or appearing shall refuse to give Evidence or if any Master or other person who has the Care and Government of any shall prevent and hinder any Slave under his Charge or Government from appearing and giving Evidence in any matter depending before the Justices and Freeholders aforesaid the said Justices may and they are hereby fully impowered and required to bind every such person Offending as aforesaid by Recognizance with one or more Sufficient Suretys to appear at the next general Court to answer such their Offence and Contempt and for default of finding Suretys to commit such Offender to prison.

And every person refusing shall be bound over to the Sessions.

A person who shall conceal any Slave accused of a Capital Crime shall forfeit Fifty pounds Sterling—

And be it further Enacted by the Authority aforesaid that in Case the Master or other person having Charge or Government of any Slave who shall be accused of any Capital Crime shall conceal or convey away any such Slave so that he cannot be brought

brought to Trial and Condign Punishment every Master or other person so offending shall forfeit the Sum of Fifty Pounds Sterling if such Slave be accused of a Capital Crime as aforesaid but if such Slave be accused of a Crime not Capital then such Master or other person or other person shall only forfeit a Sum not Exceeding Twenty pounds Sterling and if any person be Injured thereby he shall be intituled to a part not Exceeding one Moiety of the said Forfeitures respectfully.

but if such Slave shall be accused of a Crime not Capital then such person to pay £20 &c.

And be it further Enacted by the Authority aforesaid That all and every the Constable and Constables in the several Districts within this province where any Slave shall be Sentenced to Suffer Death or other punishment shall cause Execution to be done of all the Orders Warrants Precepts and Judgments of the Justices hereby appointed to try such Slaves for the Charge and Trouble of which the said Constable or Constables respectively shall be paid unless in such Case as shall appear to the said Justices and Freeholders to be malicious or groundless prosecutions in which Cases the said Charge shall be paid by the prosecutors for whiping or other Corporal punishments not extending to Life the Sum of Three Shillings and for any punishment extending to Life the Sum of Ten Shillings and such other Charges for keeping and Maintaining such Slaves as are by this Act appointed for the levying of which Charges against the prosecutor the Justice or Justices are hereby impowered to Issue their Warrant And that no delay may happen in causing Execution

Constables to Cause Execution to be done on all Slaves

And shall be paid (unless in such Cases where the prosecution shall appear to be Malicious which shall be then paid by the prosecutors) for Whiping & other Corporal punishments three Shillings and for punishments Extending to Life Ten Shillings and other Changes.

Execution to be done upon such Offending Slave or Slaves the Constable who shall be directed to cause Execution to be done shall be and he is hereby impowered to press one or more Slave or Slaves in or near the place where such Whiping or other Corporal punishment shall be inflicted to Whip or inflict such other Corporal punishment upon the Offender or Offenders and such Slave or Slaves so press'd shall be obedient to and observe all the Orders and directions of the Constable in and about the premisses upon pain of being punished by the said Constables by Whiping on the bare Back not Exceeding Twenty Lashes which punishment the said Constable is hereby Authorized and impowered to Inflict and the Constable shall if he presses a Negroe pay the said Negroe Nine pence out of his Fee for doing the said Execution.

And may impress any Slave to inflict the Punishment.

And be it further Enacted by the Authority aforesaid that if any person in this province shall on the Lords Day commonly called Sunday employ any Slave in any Work or Labour (Works of absolute necessity and the necessary Occasions of the Family only Excepted) every person in Such Case Offending shall forfeit the Sum of Ten Shillings Sterling for every Slave they shall so Work or Labour.

Persons who shall put any Slave to Work on Sunday shall forfeit Ten Shillgs. Sterling—

And be it further Enacted by the Authority aforesaid that it shall not be Lawfull for any Slave unless in the presence of some white person to Carry and make use of Fire Arms or any Offensive Weapon whatsoever Unless such Slaves Shall have a Tickett

It shall not be Lawfull for Slaves to use fire Arms without a Ticket which is to be renewed every Month.

or

or licence in writing from his Master Mistres or Overseer to hunt and kill game Cattle or Mischievous Birds or Beasts of Prey and that such Licence be renewed once every Month or unless there be some white person of the Age of Sixteen Years or upwards in the Company of such Slave when he is hunting or Shooting or that such Slave be actually carrying his Masters Arms to and from his Masters plantation by a Special Tickett for that purpose or unless such Slave be found in the Day time actually keeping off Birds within the plantation to which such Slave belongs lodging the same Gun at Night within the dwelling House of his Master Mistress or White Overseer Provided also that no Slave shall have Liberty to carry any Gun Cutlass Pistoll or other Weapon abroad at any time between Saturday Evening after Sun Sett and Monday morning before Sun rise Notwithstanding a Licence or Tickett for so doing and in Case any person shall find any Slave using or carrying Fire Arms or other Offensive Weapons contrary to the true intention of this Act every such person may Lawfully Seize and take away such Offensive Weapon or Fire arms but before the property of such goods shall be vested in the person who shall Seize the same such person shall within forty Eight Hours next after such Seizure go before the next Justice of the peace and shall make Oath of the manner of the taking and if such Justice of the peace after such Oath shall be made or if upon any other Examination he shall be Satisfied that the said Fire Arms or other offensive Weapons shall have been Seized according to the directions

No Slave shall carry any Weapon from home between Saturday Evening and Monday morning. In what Case fire Arms &c. may be taken from Slaves.

and

and agreeable to the true intent and meaning of this Act, The said Justice shall by Certificate under his hand and Seal declare them forfeited and that the property is Lawfully vested in the person who Seized the Same Provided always that no such Certificate shall be granted by any Justice of the peace, untill the Owner or Owners of such Fire Arms or other Offensive Weapon so to be Seized as aforesaid or the Overseer or Overseers who shall or may have the charge of such Slave or Slaves from whom such Fire Arms or other Offensive Weapons shall be taken or Seized shall be duly Summoned to Shew Cause if any such they have why the same should not be Condemned as forfeited or untill forty Eight Hours after the Service of such Summons and Oath made of the Service thereof before the said Justice. Proviso.

And be it further Enacted by the Authority aforesaid that if any Slave shall presume to Strike any White person such Slave upon Trial and Conviction before the Justice or Justices and Freeholders aforesaid according to the direction of this Act shall for the first and Second Offence suffer such punishment as the said Justice and Freeholders or such of them as are impowered to try such Offences shall in their discretion think fitt not extending to Life or Limb and for the Third Offence shall suffer Death but in Case any such Slave shall greviously Wound Maim or Bruise any White person tho' it shall be only the first Offence such Slave shall suffer Death—Provided always that such Striking wounding Maiming or Bruising be not done by the Command Slaves who shall Strike a white person how to be dealt with—

mand and in the Defence of the person or property of the Owner or other person having the Care or Government of Such Slave in which Case the Slave Shall be wholly excus'd and the Owner or other person having the care or government of such Slave shall be answerable as far as by Law he ought.

Any person may apprehend a run away Slave and Send him to his Master if known Otherways to the Constable of the Precinct—

And be it further Enacted by the Authority aforesaid that it shall and may be lawfull for every Person in this province to take apprehend and Secure any run away or fugitive Slave and they are hereby directed and required to send such Slave to the Master or other person having the Care and Government of such Slave if the person taking up or Securing such Slave knows or Can without difficulty be informed to whom such Slave belongs but if not known or discovered then such Slave shall be delivered into the Custody of the Constable of the District and the Master or other person who has the Care or Government of such Slave shall pay for taking up such Slave whether by a free person or Slave the Sum of five Shillings Sterling—And the constable upon Receipt of every fugitive or run away Slave is hereby directed and required to keep such Slave in Safe Custody untill such Slave shall be Lawfully discharged and Shall as soon as Conveniently it may be Advertize such Slave at Savannah and other public places with the best description he shall be able to give first carefully viewing and Examining such Slave naked to the Waist for any Mark or brand which he shall also Advertize to the intent the owner or other person who shall have the Care and Charge of

The Master to pay five Shillings for taking up the Slave—

Constable to keep run away Slaves in safe Custody and to advertise them—

of such Slave may come to the Knowledge that such Slave is in Custody And if such Slave shall make Escape through the negligence of the Constable and cannot be taken up in Three Months the said Constable shall answer to the Owner for the Value of such Slave or the Damages which the owner shall sustain by reason of such Escape as the Case shall happen.

And to answer to the owner of Slaves escaping through his Negligence.

And be it further Enacted by the Authority aforesaid that the said Constable shall at the Charge of the owner of such Slave provide Sufficient Food drink Cloathing and covering for every Slave delivered into his Custody or on failure thereof shall forfeit all his Fees and shall forfeit three Shillings for each Day after he shall neglect to Advertize as before directed.

Constables to provide for Slaves at the Owners Expence on Penalty.

And be it further Enacted by the Authority aforesaid that any person who shall take up any run away Slave and shall deliver such Slave either to the Master or other person having the Care or Charge of such Slave or to the Constable of the District shall be intituled to receive from the Owner or Constable of the District Two pence Sterling ℔ mile for every Mile for every Mile such Slave shall have been brought or Sent to be computed from the place where such Slave was apprehended And if such Slave shall be delivered into the Custody of the Constable of the District aforesaid the person delivering such Slave shall give an Account of his name place of Abode and the time and place when and where such

Persons taking up runaway Slaves to be paid 2d. ℔ miles.

And if delivered to a Constable he is to enter in a Book the Name & Place of Abode of the person delivering such Slaves and to give a receipt for them—

such Slave was apprehended which account the said Constable shall enter down in a Book to be kept for that purpose and Shall give a Receipt for any such Slave which shall be delivered as aforesaid in his Custody and the said Constable is hereby fully authorized and impowered to demand and receive from the Owner or other person having the Charge or Care of any such Slave for Negroes committed from the Month of October to March inclusive for finding necessary Cloathing and Covering to be the property of the Masters any Sum not exceeding Eighteen Shillings Sterling and the Several Sums following and no other Sum Fee or reward on any pretence whatsoever That is to Say for Apprehending each Slave paid to the person who delivered such Slave in Custody five Shillings Sterling money for Mileage paid to the same person Two pence like money ℔ Mile for a Sufficient Quantity of provisions for each Day for each Slave Six pence Sterling For Advertizing every Slave as directed by this Act Six pence Sterling for receiving such Slave Six pence Sterling and for delivering him Six pence For Poundage or money advanced One Shilling in the pound like money And the said Constable shall and may lawfully detain any Slave in Custody untill the Fees and expences aforesaid be fully paid and Satisfyed And in case the Owner of such Slave or his Overseer Agent Manager Attorney or Trustee shall neglect or refuse to pay or satisfye the said Fees and Expences for the Space of Thirty days after the same shall be demanded by Notice in writing served on the owner of such Slave or (if the Owner is absent from

Constables Fees and how to be recovered.

from this province) upon his Overseer Agent Manager Attorney or Trustee the said Constable shall and may expose any such Slave to Sale at Public Outcry and after deducting the Fees and Expences Aforesaid and the Charges of such Sale The Overplus money arising from such Sale to be Lodged in the Hands of the Justice of the District where such Sale shall be and upon demand to be by him returned to any person who has a Right to Demand and receive the same.

Slaves in the Custody of a Constable Six weeks & not Claimed to be delivered over to the provost Marshal who is to give the Constable a Receipt and pay his Fees and Expences.

And forasmuch as for want of knowing or finding the owners of any fugitive Slave to be delivered to him as aforesaid the said Constable may not be obliged to keep such Slave in his Custody and find and provide Provisions for such Slave over and beyond a reasonable Time Be it therefore Enacted by the Authority aforesaid that if the Owner or Owners of such fugitive Slaves shall not within the Space of Six Weeks from the time of Advertizement, make his her or their Claim or Claims or it shall not be otherwise be made known to the said Constable within the time aforesaid to whom such committed Slave shall belong the said Constable shall commit the said Slave to the Custody of the provost Marshall Who shall give a Receipt for the same and pay the Constables his Fees and Expences as directed by this Act and the said provost Marshal shall frequently Advertize for the Space of Eighteen months and if not Claimed in that time it shall be Lawfull for the said provost Marchal to Sell such Slave at Public outcry in the Town where such Goal shall be **he* first Advertizeing

Slaves in the provost Marshals Custody 18 Months and not claimed to be sold at public Outcry &c.

vertizeing such Sale together with the Reasons thereof and out of the money arising from such Sale to deduct or retain to himself what shall be then due for money by him disbursed on receipt of such fugitive Slave and for his Fees and Provisions together with the reasonable Charges arising by such Sale And the Overplus money if any there shall be shall be render'd and paid by the said provost Marshal to the public Treasurer of the province for the time being in Trust nevertheless for the use of the Owner or Owners of such Slave provided the same be Claimed by him her or them within one year and a Day after such sale or in Default of such Claim within the time aforesaid to be appropriated towards paying for Negroes publickly Executed.

Free persons Free Negroes or Slaves harbouring runaways how to be dealt with.

And be it further Enacted by the Authority aforesaid that if any free Person or any Slave shall harbour conceal or entertain any Slave that shall run away or shall be Charg'd or accused with any Criminal matter every Free Negro Mulato and Mestizo and every Slave that shall harbour Conceal or entertain any such Slave being duly convicted thereof according to the Direction of this Act If a Slave shall suffer such Corporal punishment not extending to Life or Limb as the Justice or Justices who shall try such Slave shall in his or their discretion think fitt and if a Free person shall forfeit the Sum of Thirty Shillings Sterling for the first Day and Three Shillings Sterling for every Day after to the use of the Owner or Owners of such Slave so to be Harboured concealed or entertained as aforesaid to be recovered

covered by Warrant under the hand and Seal of any one of his Majestys Justices of the peace in and for the District where such Slave shall be so harboured concealed or entertained—And that in Case such Forfeitures cannot be Levied on any Free Negro Mulato or Mestizo together with the Charges attending the prosecution such Free Negro Mulato or Mestizo shall be sold for a certain Term as shall pay the same.

Slaves not to buy or Sell any Goods provisions (Except as is hereinafter excepted) on Pain of forfeiting all the Goods &c.

And be it further Enacted by the Authority aforesaid that no Slave who shall usually reside or be employed in any District within this province shall presume to buy Sell or Exchange any Goods Wares Provisions Grain Victuals or Commoditys of any Sort or kind whatsoever Except as is hereinafter particularly excepted and provided under such provisoes Conditions Restrictions and Limitations as are herein particularly directed Limited and appointed on pain that all such Goods Wares provisions Grain Victuals or Commoditys which by any Slave shall be so bought Sold or Exchanged shall be Seized and Forfeited and shall be Sued for and recovered before any one Justice Assigned to keep the peace in the District where such Offence was Committed and Shall be applyed and disposed of one half to him or them who shall Seize in one half to him or them who shall Seize in form and Sue for the same and the other half to the Commissioners of the poor of said District and moreover that the said Justice shall order every Slave who shall be Convicted of such Offence to be publickly whipt on the Bare

And how to be recovered and disposed of—

Proviso.

Bare Back not exceeding twenty Lashes provided always that it may and Shall be Lawfull for any Slave who Lives or is Uusually employed in Savannah after such Licence and Tickett as herein after is directed shall be obtained to Buy or Sell Fruit Fish and Garden Stuff and to be employed as Porters Carters or Fishermen and to purchase any thing for the use of their Master Owners or other persons who shall have the charge and Government of such Slaves in Open Market under such Regulations as are or shall be appointed by Law concerning the Market of Savannah or in any open kept by a white person.

Retailers of strong Liquors not to give or Sell any to Negroes without their owners Consent.

Penalty thereon.

And be it further Enacted by the Authority aforesaid that if any retailer of Strong Liquors shall give or Sell to any Slave any Beer or Spiritous Liquor whatsoever without the Licence or Consent of the Owner or such other person who shall have the Care or Government of such Slave every person so offending shall forfeit the Sum of Twenty Shillings Sterling money for the first Offence and for the Second Offence forty Shillings Sterling and shall be bound in a Recognizance in the Sum of Twenty Pounds Sterling with one or more Sufficient Suretys before any of the Justices of the General Court not to offend in the like kind and to be of good Behaviour for one year and for want of such Sufficient Suretys to be committed to prison without Bail or mainprize for a Term not exceeding three Months.

And Whereas Several Owners of Slaves do suffer

fer their Slaves to go and work where they please upon Condition of paying to their Owners certain Sums of money agreed upon between the Owner and Slave which practice has Occasioned such Slaves to pilfer and Steal to raise money for their Owners as well as to Maintain themselves in Drunkeness and evil Courses For prevention of which practices for the future—

Slaves not to work out of their owners Familys without a Ticket.

Be it Enacted by the Authority aforesaid that no Owner Master or Mistress of any Slave after the passing of this Act shall permit and Suffer any of his her or their Slaves to go and Work out of thier respective houses or Familys without a Tickett in writing under pain of forfeiting the Sum of One pound Ten Shillings Sterling for every such Offence to be paid the one half to the Justices of the District for the use of the poor of the District in which the Offence is committed and the other half to him or them that will inform and Sue for the same And every person employing any Slave with out a Tickett from the owner of such Slave shall forfeit to the Informer Fifteen Shillings Sterling for each Day he so Imploys such Slaves over & above the Wages agreed to be paid such Slave for his Work Provided nevertheless that the said Penalty of Fifteen Shillings Sterling per Diem shall not Extend to any Person whose property in such Slaves is disputable And provided that nothing herein contained shall hinder any Person or persons from hiring out by the year Week or Day or any other time any Negroes or Slaves to be under the Care and direction of

Penalty thereon.

Proviso.

of his or their owner Master or Employer and that the Master is to receive the whole of the Earnings of such Slave or Slaves and that the Employer have a Certificate or Note in Writing of the time or Terms of such Slaves Employment from the Owner Attorney or Overseer of every such Slave Severally and respectively—And whereas Several owners of Slaves may permit them to keep Canoes and to Breed and raise Horses and Neat Cattle and to traffick and barter in Several parts of this province for the particular and peculiar Benefit of such Slaves by which means they may have not only an Oppertunity of receiving and Concealing Stolen Goods but to plot and confederate together and form Conspiracies dangerous to the peace and Safety of the whole Province Be it therefore Enacted by the authority aforesaid that it shall not be Lawfull for any Slave so to buy Sell Trade traffick deal or Barter for any Goods or Commodities (Except as before Excepted) nor shall any Slave be permitted to keep any Boat Perry-auger or Canoe or to raise and breed for the Use and benefit of such Slave any Horse Mares and Neat Cattle under pain of forfeiting all the Goods and Commodities which shall be so bought sold Traded traffick'd dealt or Barter'd for by any Slave and of all the Boats Perryaugers Canoes or Cattle which any Slave shall keep raise or breed for the peculiar Use Benefit and profit of such Slave and it shall and may be Lawfull for any person or persons whatsoever to Seize and take away from any Slave all such Goods Commodities Boats Perryaugers Canoes Horses Mares or Neat Cattle and to deliver the

No Slave to buy Sell or barber &c. (except as before excopted) nor to keep any Boat &c. or breed any horses &c. for his own use on Pain of ferfeiting the same.

Any person may seize and take away any Goods &c. from any Slave and deliver the same to the next Justice who is to take the Oath of such person concerng. the Manure of such Seizure.

the same into the hands of any one of his Majestys Justice of the peace nearest to the place where the Seizure shall be made and such Justice shall take the Oath of such person who shall make any such Seizure concerning the Manure of Seizing and taking the same and if the said Justice shall be satisfied that such Seizure hath been made according to the directions of this Act he shall pronounce and declare the Goods so Seized to be Forfeited and shall order the same to be sold at public Outcry and the Moneys arising from such Sale shall be disposed of and applyed as is herein after directed Provided always that if any Goods shall be Seized which comes to the posesssion of any Slave by Theft finding or otherwise without the Knowledge Privity Consent or Conivance of the person who have a Right to the property or Lawfull Custody of any such Goods all such Goods shall be restored on such persons making Oath before any Justice as aforesaid who is hereby impowered to administer such Oath to the Effect or in the following Words—

Proviso.

Oath to be taken by any person claiming Goods Seized in possession of any Slave.

I, A. B. do Sincerely Swear that I have a Just and Lawfull Right or Title to certain Goods Seized and taken by C. D. out of the possession of a Slave named E. and I do Sincerely Swear and declare That I did not directly or indirectly permit or suffer the said Slave or any other Slave whatsoever to use keep and employ the said Goods for the use Benefit or profit of any Slave whatsoever or to Sell barter or give away the same but that the same Goods were in the possession of the said Slave by

Theft

Theft finding or otherwise or to be kept Bona fide for the use of E. T. a free person and not for the use or Benefit of any Slave whatsoever So help me God which Oath shall be taken Mutatis Mutandis as the Case shall happen Provided also that it shall be Lawfull for any person being the owner or having the Care or Government of any Slave who resides or is usually employed in any part of this province or permission to Sell Exchange or barter in Savannah or else where within this Province the Goods or Commodities of the Owner or other person having the Care or Government of such Slave provided that in such Licence or permission the Quantity and Quality of the Goods and Commodities with which such Slave shall be intrusted be particularly and distinctly sett down and specified and Signed by the Owner or other person having the Charge or Government of such Slave or by some other person by his her or their order and Direction.

Persons living without the Limits of Savannah may give a Licence to their Slaves to sell or barter in Savannah expressing the Quantity and Quality of Goods in such Licence.

And as it is absolutely necessary to the Safety of this Province that all due Care be taken to restrain the Wanderings and Meetings of Negroes and other Slaves at all times and more Especially on Saturday Night Sundays and other Holidays and their using and Carrying Wooden Swords and other Mischievous and dangerous Weapons or using or keeping of Drums Horns or other loud Instruments which may call together or give Sign or Notice to one another of their wicked Designs and purposes and that all Masters Overseers and other

may

may be enjoined diligently and carefully to prevent the same Be it Enacted by the Authority aforesaid That it shall be Lawfull for all Masters Overseers and other persons whomsoever to apprehend and take up any Negro or other Slave that shall be found out of the plantation of his or their Master or Owner at any time especially on Saturday Nights Sundays or other Holidays not being on Lawfull Business and with a Letter or Tickett from their Master or not having a white person with them and the said Negro or other Slave or Slaves Corrected by Moderate whipping as also any Negro or other Slave or Slaves met or found out of the plantation of this or their Master or Mistress though with a Letter or Tickett if he or they be armed with such Offensive weapons aforesaid him or them to disarm take up and whip.

Slaves found out of their Masters Plantations without a Ticket may be taken up and corrected.

As also with a Ticket if armed.

And whatsoever Master Owner or Overseer shall permit or suffer his or their Negroe or other Slave or Slaves at any time hereafter to beat Drums blow Horns or any other Loud Instruments or whatsoever shall suffer or Countenance any Public meeting or Feastings of Strange Negroes or Slaves in their plantations shall forfeit Thirty Shillings Sterling for every such Offence upon Conviction or proof as aforesaid provided an Information or other Suit be Commenced within one month after Forfeiture thereof for the same.

Masters suffering their Slaves to beat Drums blow horns &c. or to have public meetings &c. shall forfeit 30 shillings—

Proviso.

And Whereas Cruelty is not only highly unbecoming those who profess themselves Christians but is

odious

odious in the Eyes of all Men who have any Sense of Virtue or Humanity therefore to restrain and prevent Barbarity being exercised towards Slaves Be it Enacted by the Authority aforesaid That if any Person or Persons whatsoever shall wilfully Murder his own Slave or the Slave of any other person every such person shall upon Conviction thereof by the Oath of two Witnesses be adjudged guilty of Felony for the first Offence and have the Benefit of the Clergy making Satisfaction to the Owner of such Slave but the Second offence shall be deemed Murther and the Offender Suffer for the said Crime according to the Laws of England except that he shall forfeit no more of his Lands and Tenements Goods and Chattels than what may be Sufficient to Satisfy the owner of such Slave so killed as aforesaid And in case any shall not be able to make the Satisfaction hereby required every such person shall be sent to any Frontier Garrison of this province or committed to the Goal at Savannah and there to remain at the public Expence for the Space of Seven years and to Serve or to be kept to hard Labour and the pay usually allow'd by the public to the Soldiers of such Garrison or the profits of the Labour of the Offender shall be paid to the owner of the Slave murdered And if any person shall on a Sudden heat or Passion or by undue Correction kill his own Slave or the Slave of any other person he shall forfeit the Sum of Fifty pounds Sterling And in Case any person or persons shall willfully cut the Tongue put out the Eye Castrate or Cruelly Scald burn or deprive any Slave of

Persons willfully killing any Slave how to be punished.

Persons killing a Slave in a sudden Heat of passion &c. to forfeit £50.

And Persons Exercising any cruelty towards them to forfeit £10.

any

any Limb or Member or shall inflict any other Cruel punishment other than by whipping or beating with a Horse Whip Cow Skin Switch or Small Stick or by putting Irons on or Confining or Imprisoning such Slave every such person shall for every such Offence forfeit the Sum of Ten pounds Sterling.

Owners of Slaves refusing to provide them with sufficient Clothing and Food to forfeit not exceeding £3.

And be it further Enacted by the Authority aforesaid that in Case any person in this province who Shall be Owner or who Shall have the Care Government or Charge of any Slave or Slaves shall Deny neglect or refuse to allow such Slave or Slaves under his or her Charge Sufficient Cloathing Covering or Food it shall and may be Lawfull for any person or persons on behalf of such Slave or Slaves to make Complaint to the next neighbouring Justice and the said Justice shall Summons the party against whom such Complaint shall be made and shall enquire of hear and determine the same and if the said Justice shall find the said Complaint to be true and that such person will not exculpate or clear himself from the Charge by his or her own Oath which such person shall be at Liberty to do in all Cases where positive proof is not given of the Offence such Justice shall and may make such Orders upon the same for the relief of such Slave or Slaves as he in his Discretion shall think fit and shall and may set and impose a Fine or Penalty on any Person who shall offend in the premises in any Sum not Exceeding Three pounds Sterling for each Offence to be Levyed by Warrant of Distress and Sale of the Offenders Goods returning the overplus

if

if any shall be which penalty shall be paid to the Justice of the District where the offence shall be Committed for the use of the poor of the said District.

And Whereas by Reason of the Extent and Distance of Plantations in this Province the Inhabitants are far removed from each other and many Crueltys may be Committed on Slaves because no White person may be present to give Evidence of the same unless some Method be provided for the better Discovery of Such Offence and as Slaves are under the Government so they ought to be under the protection of Masters and Managers of Plantations.

If any Slave shall be cruelly used contrary to the true intent of this Act when no white person is present the Owner or person having charge of such Slave shall be deemed Guilty of the Offence unless he can prove to the contrary.

Be it therefore further Enacted by the Authority aforesaid that if any Slave shall Suffer in Life Limb or Member or shall be maimed beaten or abused contrary to the Directions and true intent and meaning of this Act when no white person shall be present or being present shall neglect or refuse to give Evidence or be Examined upon Oath concerning the same in every such Case the owner or other person who shall have the Care and Government of such Slave and in whose possession or power such Slave shall be deemed taken reputed and adjudged to be Guilty of such Offence and shall be proceeded against accordingly without further proof unless such Owner or other person as aforesaid can make the Contrary appear by good and Sufficient Evidence or shall by his own Oath clear and exculpate himself which Oath every Court where such Offence

shall

shall be tryed is hereby impowered to Administer And to acquit the Offender accordingly if clear proof of the Offence be not made by Two Witnesses at least any Law Usage or Custom to the Contrary notwithstanding.

Slaves not to hire any house &c.

And be it further Enacted by the Authority aforesaid That no Slave or Slaves shall be permitted to Rent or Hire any house Room Store or plantation on his or her own Account or to be used or Occupyed by any Slave or Slaves and any Person or persons who shall Lett or hire any House Room or plantation to any Slave or Slaves or to any Free person to be occupyed by any Slave or Slaves every such person so offending shall forfeit and pay to the Informer the Sum of £3 Sterling.

Not more than 7 Men Slaves to travel together on the high Roads without a white person with them and on Offending how to be punished.

And Whereas it may be attended with ill Consequence to permit a great Number of Slaves to travel together on the High Roads without some White person in Company with them Be it therefore Enacted by the Authority aforesaid that no Men Slaves exceeding Seven in Number shall hereafter be permitted to Travel together in any high Roads in this Colony without some White person with them and it shall and may be Lawfull for any person or persons who shall see any Men Slaves exceeding Seven in number without some White person with them as aforesaid travelling or assembled together in any High Road to apprehend all and every such Slaves and shall and may whip them not Exceeding Twenty Lashes on the bare Back.

And

Slaves not to labour more than 16 Hours in 24 and persons offending to forfeit not exceeding £3.

And Whereas many Owners of Slaves and others who have the Care Management and Overseeing of Slaves do confine them so Closely to hard Labour that they have not sufficient time for natural Rest Be it therefore Enacted by the Authority aforesaid that if any Owner of Slaves or other person who shall have the Care Management or overseeing of any Slaves shall Work or put any Such Slave or Slaves to Labour more than Sixteen Hours in Twenty Four every such person shall forfeit a Sum not Exceeding Three pounds Sterling for every time he she or they shall offend herein at the Discretion of the Justice before whom the Complaint shall be made.

Slaves not to be taught to write and persons offending to forfeit £15.

And Whereas the having of Slaves taught to write or suffering them to be employed in Writing may be attended with great Inconveniencys Be it therefore Enacted by the authority aforesaid that all and every person and persons whatsoever who shall hereafter teach or Cause any Slave or Slaves to be taught to write or shall use or employ any Slave or Slaves as a Scribe in any manner of writing whatsoever hereafter taught to write every such person and persons shall for every such Offence forfeit the Sum of Fifteen pounds Sterling.

No person to keep Slaves on a plantation without having a white person thereon.

And Whereas Plantations settled with Slaves without any white person thereon may be Harbours for runaway and fugitive Slaves Be it therefore Enacted by the authority aforesaid that no person or

persons

persons hereafter shall keep any Slaves or any plantation or Settlement without having a White person on Such plantation or Settlement under pain of forfeiting the Sum of Twenty Shillings for every Month which any such person shall so keep any Slaves on any plantation or Settlement without a White person as aforesaid.

And to keep white Servts. in proportion to the Number of their Slaves on Penalty.

And every Owner of Twenty Slaves shall have a White Servant upon his plantation Capable of bearing arms and every Owner of fifty Slaves shall have Two white Servants as above and for every Twenty five Slaves above fifty one White Servant more capable of bearing arms under the pain of forfeiting Twenty Shillings ℔ month for every white Servant wanting upon any plantation or Settlement as above.

Persons taking any run away Slaves on the Southside of the Altamaha River and bringing them to the nighest Justice of the peace.

And Whereas from the Neighbourhood of Augustine and the encouragement there given to Run any Slaves it is much to be feared that many Negroes will be tempted to desert from their Masters and fly there in hopes of being received and Protected which if not prevented may be attended with Consequences fatal to many of the Inhabitants of this Colony Be it therefore Enacted by the Authority aforesaid that from and after the passing of this Act any White person or persons free Indian or Indians or any other free person who shall take and Secure any runaway Slave on the Southside of the Altamaha River provided such Slaves be twenty Miles from the plantation he belongs to and shall

from

from thence bring such Slave to the nighest Justice of the peace and before him make Oath or otherwise prove that the said Slave was taken as aforesaid the said Justice of the peace give him or them a Certificate of the same by which he or they shall be intituled to a Reward of Five pounds Sterling for every grown Man Slave brought a Live and Three pounds Sterling for every Woman Boy or Girl above the Age of Twelve years brought a Live and for every one under the Age of Twelve years brought a Live the Sum of Two pounds Sterling and for every Scalp with Two Ears of a grown Man Slave the Sum of One pound Sterling—And for every grown Man Slave taken on the South Side of S^{t}. Johns River and brought a live as aforesaid the sum of Fifteen pounds Sterling, for a Woman Boy or Girl above the age of Twelve years brought alive the Sum of Ten pounds Sterling and for every Slave under the Age of Twelve Years the Sum of five pounds Sterling and for every Scalp with Two Ears of a grown man Slave the Sum of Thirty Shillings Sterling the Several Sums above mentioned (excepting for the Scalps which shall be paid for by the Public) shall be paid by the Master or Owner of such Run away upon delivery of the Slave but if the Master of such Slave cannot be readily found then the person in whose Custody the Slave is shall deliver him or her into the hands of the provost Marshal at Savannah who is hereby impowered to give such person an Order upon the Public Treasurer for the Reward which it shall appear by the Certificate he is intituled to for taking

how to be rewarded.

And for Scalps of deserted Slaves.

Slaves. And if taken on the Southside of St. Johns how to be recovered.

Slaves brought a live to be at the Charge of the Owners but if the Owners cannot readily be found then they are to be delivered into Custody of the provost Marshall at Savannah.

such

such Slave And no such Slave or Slaves taken on the South side of Altamaha River and brought and delivered into the Custody of the provost Marshall at Savannah as aforesaid shall be delivered out of his Custody without a Certificate to him first produced from the Public Treasurer of this Colony that the money by him disbursed for the securing and Securing the said Slave or Slaves is fully Satisfyed to the Treasury besides the following Fees which the said Treasurer is hereby required to allow pay and Charge for the Trouble necessary to be taken concerning the place and manner of apprehending the said Slaves viz^{t}. To the Justice who shall Examine take and Certify the said Evidence for each Slave brought a Live as aforesaid the Sum of Two Shillings and Six pence Sterling and to the Treasurer for his trouble in Executing this Act for each Slave brought a live the Sum of Two Shillings and Six pence Sterling and to the Goaler the Sum of Six pence ℔ Diem for his Maintaining the same while iin Custody And on the Commitment of any Slave or Slaves to the Custody of the said provost Marshall where the public Treasurer shall by virtue of this Act expend any money for apprehending the same the said provost Marshall is hereby required to Advertize publickly for the Space of Three months the best Description he can form of all and every the said Slaves with the place and manner of their being taken and in Case the owner or Employer of the said Slave or Slaves shall neglect within that time to redeem the said Slave or Slaves by fully satisfying the Public Treasurer the Charges he shall

Fees allowed to be taken on this Occasion.

Provost Marshall to publish for the Space of 3 Months the best description he can of Slaves in his Custody & if not claimed and redeemed by the Owners within that time to be

be

be at in such manner and proportion as by this Act is directed then and in every such case the said public Treasurer shall be at Liberty to dispose of every such Slave or Slaves to the Best bidder at public Auction which Sale shall be deemed good and Effectual to all intents and purposes to such person or persons as shall purchase the same and the produce of every such Slave or Slaves shall first go towards Satisfying the Expence of the said Public Treasurer and Goaler for the taking Securing and keeping the said Slave or Slaves as aforesaid and then the Overplus (if any) shall be paid to the respective Owner or Owners.

Sold at public Outcry—

Slaves executed for Desertion how to be paid for—

And be it further Enacted by the Authority aforesaid that from and after the passing of this Act where any Slave or Slaves shall be tried and Condemned to be executed for deserting out of this province every such Slave or Slaves shall before their Execution be valued by the tryers of the Same and in every such Case the owner or Owners of every such Slave or Slaves shall be paid by the public of this province the full Sum and Rates at which Such Executed Slave or Slaves shall be valued as aforesaid without being a Charge to any particular Owner or Owners any Law Usage or Custom to the Contrary notwithstanding.

Penalty on Constables or other persons refusing to comply with the Directions of this Act—

And be it further Enacted by the Authority aforesaid that if any Constable or other person directed or required to do or perform any matter or thing required commanded or Enjoyned by this Act who shall know or be credibly Informed of any Offence

which

which Shall be Committed against this Act within his District or Limits and Shall not give Information thereof to some Justice of the peace and endeavour the Conviction of the Offenders according to his duty but such Constable or other person as aforesaid of any person lawfully called in Aid of the Constable or such other person as aforesaid shall wilfully and Wittingly Omit the performance of his Duty in the Execution of this Act and Shall be thereof convicted he Shall forfeit for every Such offence the Sum of Three pounds Sterling And in Case any Justice of the peace or Freeholder shall willingly or wittingly omit the performance of his duty in the Execution of this Act every such Justice of the peace shall forfeit the Sum of Six pounds Sterling and every such Freeholder shall forfeit the Sum of Forty Shillings Sterling which Several penaltys shall be recovered and disposed of as here-after is directed And Moreover the Judges and Justices of the Court of Oyer and Terminer are hereby Commanded and required to give the offences against this Act in Charge in open Court and all Grand Juries Justices of the peace Constables and other Officers are hereby required to make due and true presentiments of such of the said Offences as shall come to their knowledge.

Judges to give the Offences of this Act in Charge in Open Court.

And be it further Enacted by the Authority aforesaid that if any person shall be at any time sued for putting in Execution any of the powers contained in this Act such person shall and may plead the General Issue and give the Special Matter and this Act in Evidence and if the plaintiff be non suited or a Verdict

Persons sued for putting this Act in Execution may plead the General Issue.

Verdict pass for the Defendant or if the plaintiff discontinue his Action or enter a Noli prosequi or if upon demur Judgment be given for the Defendant every such Defendant shall have his full double Costs.

This Act to be construed most Largely——

And be it further Enacted by the Authority aforesaid that this Act and all Clauses therein Contained shall be Construed most largely and beneficial for the promoting and Carrying into Execution this Act and for the Encouragement and Justifycation of all Persons to be employed in the Execution thereof and that no Record Warrant precept or commitment to be made by virtue of this Act or the proceedings thereupon shall be reversed avoided or any ways impeached by reason of any Default in form.

Fines and forfeitures inflicted by this Act how to be recovered—

And be it Enacted by the Authority aforesaid that all fines Penaltys or forfeitures imposed or inflicted by this Act which are not hereby particularly disposed of or the manner of recovery directed shall, if not Exceeding the Value of Three pounds Sterling be recovered levied and distrained for by Warrant from any one Justice of the peace in the District where such Offence shall be committed and in Case such fine Penalty or forfeiture shall exceed the Sum of Three pounds Sterling the same shall be recovered by Action of Debt Bill Plaint or information in the General Court of this Province and all the said Fines Penaltys and Forfeitures which Shall be recovered by this Act and are not before particularly disposed of shall be one half to his Majesty his Heirs and successors and be paid to the public Treasurer to be applyed

and applyed.

applyed and disposed of towards the paying for such Slaves as are Executed by this Act and the other half to the Informer.

His Majestys part of the fines to be paid to the Justices and by them to the public Treasurer and on Neglect how to be recovered—

And be it further Enacted by the authority aforesaid that his Majestys part of the fines Penaltys and Forfeitures which shall be recovered by Virtue of this Act shall be paid into the hands of the Justices or in the Court where the same shall be recovered who shall make a Memorial or Record of the same to the Publick Treasurer of this province from the said Court of Justices who shall receive his Majestys part of such Fines and Forfeitures which Memorial shall be a Charge on the Judges or Justices respectively to whom the same shall be paid and the Public Treasurer of this province for the time being shall and may and is hereby authorized and impowered to Levy and recover the same by Warrant of Distress and Sale of the Goods and Chattels of the said Judges or Justices respectively who shall be charged with the same in Case they or any of them shall neglect or refuse to make such Memorial or Record as aforesaid or Send Such Transcript thereof as is before directed or shall neglect or refuse to pay the same over to the Treasurer within Twenty Days after the Receipt of the same—Provided always that no person shall be prosecuted for any Fine Forfeiture or Penalty imposed by this Act unless such Prosecution shall be Commenced within Six Months after the offence shall be Committed.

Proviso.

And be it further Enacted by the Authority aforesaid that this Act shall be Deemed a public Act and

shall

This Deemed a public Act—

shall be taken Notice of without pleading the same before all Judges Justices Magistrates and Courts within this province.

And to continue for Three years.

And be it further Enacted by the Authority aforesaid that this Act shall Continue in force for the Space of Three Years and from thence to the end of the next Session of the General Assembly and no Longer.

DA: DOUGLASS Speaker

In the Council Chamber
March the 7th 1755.

Assented to

J. REYNOLDS.

Passed

Passed the Assembly the 5th february 1755.
Passed the Council the 14th february 1755.

Secretarys Office
True copy taken from the Original certifyed by
JAMES HABERSHAM Secy.

(State Archives.)

AN ACT

INTITULED an Act for declaring and establishing the Method of drawing and Summoning Jurors in the Province of Georgia. .. ..

Whereas

Drawing and Summoning Jurors.

Preamble.

WHEREAS by the fundamental Laws and Constitution of the Kingdom of Great Britain No Free Man shall be taken, imprisoned, or disseized of his Freehold, Liberty, or Free Customs or shall be outlawed exiled or otherwise distroyed, nor shall any Judgment pass upon him but by Judgment of his Peers AND WHEREAS it is become absolutely necessary that some Method should be established for the nominating and drawing of Jurors to serve in the Courts of Sessions of Oyer and Terminer and General Goal Delivery and in the general Courts of this Province, and that the same may greatly contribute to the due and upright Administration of Justice and be the surest Method for continuing the same AND WHEREAS the most equal indifferent and impartial Method of drawing such Jurors appears to be by Ballot WE therefore pray your most sacred Majesty that it may be Enacted and Be it enacted by the Governour Council and Assembly of this your Majestys Province of Georgia and by the Authority of the same THAT the several Persons whose Names have been or may be returned by the Justices of the respective Districts within this Province, Persons qualified to serve as Grand or Petit Jurors within the same, the chief or senior Justice of this Province at the next Court holden after passing this Act shall cause the Names of such Persons to be written on small Pieces of Parchment or Paper of an equal Size and Bigness, and having first carefully compared them with the Book in which the said Returns are entred shall cause them to be put into a Box or Chest to be prepared for that Purpose

Enacted

A Box with four Divisions to be prepared to put the Names of Persons qualifyed to serve as Grand or Petit Jurors therein—

pose with four Divisions made therein with the Number of each Division marked upon the Cover thereof observing the Method following (that is to say) the Names of all the Persons returned qualified to serve as Grand Jurors shall be put into the Division of the said Box marked Number one And the Names of all the Persons returned as Petit Jurors shall be put into the Division of the said Box marked Number three.

Division No. 1 Grand Jurors

Division No. 3 Petit Jurors

Method of drawing the Names of the persons who are to serve.

AND be it further enacted by the Authority aforesaid That the chief or senior Justice for the Time being in the Presence of the Persons hereafter appointed by this Act shall cause to be drawn by a Youth under fifteen Years of Age out of the Division of the Box or Chest numbred one the Names of Twenty four Persons to serve as grand Jury-men at every Court of Session of Oyer and Terminer and general Goal Delivery hereafter to be holden in the Province, beginning at the Division numbered One and drawing out of the same Division till the Names therein are all drawn out which Names so drawn out of the said Division numbred one shall be put into the Division numbred two; And then all the Names of the said Division numbred Two shall be drawn out of the same and again returned into the Division numbred One. And when all the Names are so drawn out of the Division numbred two and returned as aforesaid into the said Division Numbred One, the said chief or senior Justice in the Presence of the Persons hereinafter named shall cause the same names to be drawn again out of the said Division numbred One and Two and shall allways

continue

continue to do the same alternately and successively in the same Order and Method: And the said chief or senior Justice for the Time being shall in like Manner cause to be drawn out of the Division in the said Box or Chest numbred Three the Names of thirty-six Persons to serve as petit Jury-men at the said Court of Session of Oyer and Terminer and general Goal Delivery beginning at the Division Numbred three and drawing out of the said Division until the Names be all drawn and then shall return all the said Names into the Division numbred Four, and when the Names are so drawn out and returned into the Division Numbred four shall cause the Names contained in the said Division numbred Four to be drawn out of the same and returned again into the Division numbred Three and shall always after continue to draw the said Names out of the said Division numbred three and four alternately and successively in the same Method and Order.

The Clerk of the Crown shall enter the Names drawn in the Sessions Book, annex them to the Writ of Venire and deliver them to the provost Marshal.

AND be it further enacted by the Authority aforesaid that the said chief or senior Justice for the time being shall in the Presence of the Persons hereafter appointed cause the Clerk of the Crown for the time being diligently to enter the Names of every Juror as he shall be drawn into two distinct Panels or Columns in the Sessions Book the grand Jurors in one Panel or Column and the petit Jurors in the other; And the Clerk of the Crown shall annex a Panel or Roll of the Names of the said Jurors fairly and exactly transcribed from the Sessions Book to the Writ of Venire Facias to be issued for summoning

ing the said Jurors in the mandatory Part of which said Writ of Venire Facias shall be incerted these Words following (to wit) *"the several Persons named in the Panel to this Writ annexed;"* and the said Clerk of the Crown within three Days after the said Jurors being ballotted shall deliver the said Writ with the Panel annexed to the Provost Marshal for the Time being in Order to summon the Jurors therein named to be and appear at the said Court of Session of Oyer and Terminer and general Goal Delivery to be holden at the Time appointed next after the Tests of the said Writ.

Time of drawing the Jury to serve at the Court of Session of Oyer and Terminer—

And to the End that all Persons may have due Notice when the said Jurors are to be drawn to serve at the said Court of Session of Oyer and Terminer and general Goal Delivery, and may be satisfied that the said Juries are fairly indifferently and impartially drawn according to the True Intent and Meaning of this Act BE it further enacted by the Authority aforesaid That the Jurors to be drawn to serve at the Court of Session of Oyer and Terminer and general Goal Delivery appointed to be holden on the second Tuesday in June shall be drawn at the Court House on the last Day of the sitting of the general Court of the said Province in January next before the holding the said Court of Session, And the Jurors to be drawn to serve at the Court of Session of Oyer and Terminer and general Goal Delivery to be holden on the second Tuesday in December shall be drawn at the same place on the last day of the sitting of the general Court of the said Province in July next before the holding the said Court of Session

Session: And publick Notice when the said Jurors are to be drawn shall be given by Advertisement of the Clerk of the Crown at least five Days before the drawing the same—

Any Number of Persons summoned above fifteen and under Twenty-four to serve as a Grand Jury—

AND be it further enacted by the Authority aforesaid that the Names of the several Persons who shall have been duely summoned to serve as Grand Jury-men at the said Court of Oyer and Terminer shall be called over in the said Court by the Clerk of the Crown who shall mark the Defaulters And any Number appearing above fifteen and under twenty four shall be the Grand Jury and serve as such at the said Court—

And Twelve as Petit Jury Men—

AND be it further enacted by the Authority aforesaid that the Names of the Persons who shall have been duely summoned to serve as Petit Jury-men at the said Court of Session of Oyer and Terminer and general Goal Delivery shall in like Manner be called over by the Clerk of the Crown who shall mark the Defaulters And the Names of the Persons so summoned and appearing shall be put into a Box and twelve Persons shall be indifferently drawn out thereof by the Cryer of the Court, the Persons so drawn to be the Jury only in one Cause and on giving in their Verdict their Names shall be again returned to the Box and a fresh ballotting shall be before the Tryal of each Cause AND in Case any of the Jurors so drawn shall be challenged or shall absent themselves or neglect to attend then the names of other Persons shall be drawn out of the said Box to fill up and compleat the said Jury.—

To be fresh ballotted in every Case—

And

The same Method to be observed in drawing Jurors to serve in the General Court—

AND be it further enacted by the Authority aforesaid that the Chief or senior Justice for the time being shall cause to be drawn out of the Division in the aforesaid Box or Chest Numbered three and four Thirty six Persons to serve as Jurors at every General Court to be hereafter holden And shall observe therein the same Order and Method as is hereinbefore directed for drawing Petit Jury-men at the Court of Session of Oyer and Terminer and general Goal Delivery.—

Their Names to be entered in the Court Book, annexed to the Writ of Venire Facias, and delivered to the Provost Marshal

AND be it further enacted by the Authority aforesaid that the said Chief or senior Justice for the time being in the Presence of the Persons hereinafter named shall cause the Clerk of the general Court diligently to enter the Names of every Juror as he shall be drawn into the Docket or Court Book wherein he usually enters the Proceedings of the said general Court And the said Clerk shall annex a Panel or Roll of the Names of the said Jurors fairly and exactly transcribed from the said Court Book to the Writ of Venire Facias in the Mandatory Part of which said Writ instead of the Words twelve free and lawfull Men shall be incerted these Words following (to wit) "The several Persons named in the Panel to this Writ annexed" and the said Clerk of the said general Court shall deliver the said Writ with the said Panel annexed unto the Provost Marshall for the Time being within three Days from the Time of the same being drawn in Order that the Jurors therein named may be summoned to be and appear at the general Court to be holden at the time appointed next after the Teste of the said Writ

And

when to be drawn

AND all Juries hereafter to be drawn to serve at the general Court shall be drawn on the last Day of the sitting of every Court and the Jury then drawn shall serve at the Court then next ensuing.

To be ballotted in Court in the Manner before directed in the Court of Over and Terminer.

AND be it further enacted by the Authority aforesaid that the same Order and Method shall be pursued in the said general Court in Respect of ballotting the jurors so summoned and appearing at the said Court as is herein before in this Act directed and appointed for Petit Jurors to serve at the Courts of Session of Oyer and Terminer and general Goal Delivery of this Province.

The Provost Marshal to make due Returns of Writs of Venire Facias.

AND be it further enacted by the Authority aforesaid that the Provost Marshall for the Time being shall make due Return of all Writs of Venire Facias to the respective Courts for which such Writs shall issue and in such Return shall specially and distinctly set forth the Names of all such Persons as he shall have summoned by Virtue of such Writ or Writs and the Time when such Summons was served and also the Names of the Persons that he hath not Summoned pursuant to the Command of the Writ or Writs to him directed together with the Causes why such Persons were not summoned on Pain of being grievously Amerced To the Truth of which Return the said Provost Marshall his Deputies or one of them if Required shall make Oath.

AND be it further enacted by the Authority aforesaid that the Clerk of the Crown and Clerk of the general Court for the Time being respectively shall

Clerks of the Crown and General Court to make due Entries of Appearance of Jurors—

shall make due Entries and records in their respective Books of the Appearance of all Jurors And also shall enter and record the Names of those who shall make Default in Appearing And that the said Clerks respectively shall record the names of the Jurors that shall be drawn to try each Cause under the Title of each Cause which said Record or Entry shall be a Warrant to enter the Postea and Verdict of the Jurors in any Cause tried.

Penalty on a Juror not appearing or refusing to act—

AND be it further enacted by the Authority aforesaid that if any Person who shall be drawn impannelled summoned and returned to serve as a Juror at any of the Courts aforesaid according to the Direction of this Act shall neglect or refuse to appear or after Appearance shall refuse to serve or shall absent himself without Leave of the Court Then and in such case it shall be lawfull for the Chief senior or presiding Justice for the Time being to fine such Person, if a grand Juror in a Sum not exceeding Eight Pounds Sterling and if a Petty Juryman in a Sum not exceeding four Pounds Sterling unless such Person do shew good and sufficient Cause of Excuse on Oath to be made before one of his Majesty's Justices of the Peace of the said Province within thirty Days after the first Days sitting of the respective Courts herein before mentioned which said Forfeitures shall be Levied by Warrant of Distress under the Hand and Seal of the said Chief-senior or presiding Justice and Sale of the Offender's Goods or by an Attachment against the Body of such Offender.

And

Provost Marshal to serve a Summons on Each Jury Man fifteen Days before the Sitting of the Court on Penalty for Neglect—

AND be it further enacted by the Authority aforesaid that the Provost Marshal or his lawfull Deputy shall serve a Summons in Writing under his Hand on each Jury-man expressing the Time and Court at which he is to appear and whether he is to serve as a grand or Petit Juror-man or shall leave such Summons at his Dwelling House or most usual Place of Residence at least fifteen days before the sitting of each Court under Forfeiture of forty Shillings Sterling for each Default to be recovered by Warrant of Distress and Sale as aforesaid or by Attachment as aforesaid.

Three Keys to the Jury Box, one to be kept by Chief or senior Justice another by the Public Treasurer and the third by the Coroner of the Town and District of

AND be it enacted by the Authority aforesaid that the Box or Chest intending to contain such Divisions for holding the Names of the Jurors as by this Act is directed and appointed shall have three several Locks and Keys; one of which Keys shall be kept by the chief or senior Justice of this Province for the Time being, another by the Public Treasurer of this Province and the third by the Coroner for the Town and District for the Time being; and the said Box or Chest shall never be opened nor shall any Jury whatsoever be drawn or impanneled but in their Presence except in Case of Death Sickness or some unavoidable Accident occasioning their Absence in which Case the Key or Keys appointed to be kept by the Person or Persons absent shall be committed to and remain in the Care of one or more of the assistant Judges of the Court or one or more of the Justices of the Peace of the said District during the Absence of such Person or Persons and the said Assistant Judge or Judges Justice or Justices

are

are hereby invested with the same Powers and Authorities during the Absence of such Person or Persons to all intents and Purposes relating to the Drawing and Impanelling of Juries as the chief or senior Justice, public Treasurer or Coroner for the Town or District could or might have if personally present.

The Papers containing the Names of Persons dead or gone from the Province to be destroyed—

AND be it further enacted by the Authority aforesaid that the said Chief or senior Justice public Treasurer and Coroner for the Town and District shall from Time to Time examine tear and destroy the Rolls or Pieces of Parchment or Paper that shall be drawn wherein are contained the Names of any Persons who shall dye or depart from this Province And also that the said chief or Senior Justice shall once in every Year cause Notice to be given to his Majestys Justices of the respective Districts of this Province that they do make fresh Returns of the Persons within the same carefully distinguishing who are qualified to serve on grand or Petit Juries And in Case any Persons appear on such Returns other than what have been before returned the Names of such additional Persons shall be written down as is before directed and put into the Box or Chest with the rest of the Jurors agreeable to the Capacity in which he or they shall be so returned.

Justices of the respective Districts to make Returns annually of Persons qualifyed to serve as Grand or Petit Jurors

AND be it further enacted that in Case it shall happen at any of the Courts herein before mentioned a sufficient Number of Jurors shall not appear of those who are Named in the Panel annexed to the Venire Facias whether the same shall be grand or Petit

Petit Jury it shall and may be lawfull for the Chief senior or presiding Justice to order the Number that are wanting to be drawn by Ballot out of the particular Division of the Box or Chest where the Names of such Jury are deposited And in Case of Challenges or non appearance to draw others out of the said Division till the Jury shall be compleatly filled by Persons then residing or being within the Town where such Court is held.

A sufficient Number of Jurors not appearing, the Number wanting to be drawn out of the Division where the Names of such Jury are deposited

AND be it further enacted that the chief or Senior Justices, the assistant Justices the Public Treasurer the Coroner for the Town and District, the Clerk of the Crown, the Clerk of the General Court and the Provost Marshall for the Time being and all other Officers and Persons whomsoever who are any way concerned in the drawing balloting impanelling or summoning of Juries shall before the next Court after the passing this Act in Open Court take a solemn Oath for the due and faithful Execution of this Act and all Officers who shall or may hereafter be concerned in drawing ballotting impanelling or summoning of Juries shall severally take such Oath before they enter on the Execution of their respective Offices, in open Court as aforesaid on Pain of being rendered incapable of holding and enjoying their respective Offices.

Persons any Way concerned in the drawing &c. of Juries to be sworn for the due Execution of this Act.

AND be it enacted by the Authority aforesaid that all special Juries that shall hereafter be moved for and allowed by the Court shall be struck in the Manner now used in the Courts of Westminster except that it shall be done before the Judge or Judges

Manner of striking special Juries.

Judges in open Court and the Persons who in Consequence thereof shall be summoned and make Default in appearing shall incur the like Fine and Forfeiture as by this Act is set on Defaulters of the grand Jury but if they serve or appear as special Jurors they shall be excused the next Time their Names shall come upon Ballot and their Names be put in the return Division.

The first Jury to be drawn on the second Tuesday in December next—

AND be it further enacted by the Authority aforesaid that the chief senior or presiding Justice of the Courts for the Time being is hereby impowered and directed to cause all such Jurors to be drawn on the second Tuesday in December next as may be necessary or required to serve at the next general Court to be held on the second Tuesday in January next which Juries shall be held and deemed legal Juries for trying and determining all such Causes as shall be laid before them any Thing in this Act contained to the contrary notwithstanding.

Fines and Forfeitures how to be applyed—

AND be it further enacted by the Authority aforesaid that all the fines and Forfeitures which shall arise and accrue by Vertue of this Act shall be to His Majesty his Heirs and Successors for the Use of this Province and be appropriated towards the Payment of the Clerks Cryer and other Officers of the Courts.

What Persons are exempted from serving on Juries.

PROVIDED that nothing in this Act contained shall be construed deemed or taken to oblige any Person or Persons who are Members of his Majestys Honourable Council or their Clerk or Messenger

senger or Members of the Assembly for the Time being or their Clerk or Messenger (the two last during the Session of general Assembly only) to serve as Jury-men.

What Number of Persons deficient in the English language may be on the Pannel or sworn on the Petit Jury—

PROVIDED ALSO that of the twenty four persons in and by this Act directed to be drawn to serve as a grand Jury not more than four And of the thirty six Persons in like manner directed to be drawn to serve as a Petit Jury not more than twelve Persons deficient in the English Language shall be thereon- AND when the said Petit Jury shall be ballotted in Court not more than four Persons deficient as aforesaid shall serve on each Jury.

WILL^{M}. LITTLE Speaker

In the Council Chamber
December the 13:th 1756.

Assented to

J REYNOLDS

GEORGIA.

(State Archives.)

AN ACT for the Ease of Dissenting Protestants within this Province who may be scrupulous of taking an Oath in Respect to the Manner and Form of administering the same.

Whereas

Ease of Dissenting Protestants Taking Oath.

Preamble

WHEREAS many Inconveniences may arise in this Province through the Scruples of divers Protestant Dissenters within the Same of good Estates and Abilities who refuse to take an Oath by laying their Hand on the Holy Evangelists whereby the Public is deprived of their Services as Jury-men AND WHEREAS Acts of Toleration and Indulgence to Protestant Dissenters have been found of beneficial Tendency to other his Majesty's Provinces and may in a particular Manner be so to this infant Province IN ORDER that such Dissenting Protestants may be enabled and compellable to serve on all Juries and to give Evidence in all Cases AND that the Acts of such Protestant Dissenters may be Valid and effectual in Respect of the Manner and Form of taking and administring Oaths WE pray your most sacred Majesty that it may be enacted AND BE it enacted by the Governor Council and

Enacted.

Assembly of the Province of Georgia and by the Authority of the same That immediately after passing this Act any Person who shall appear in any of the Courts of Judicature or before any Judge or Magistrate in this Province either as Juror, Witness, Party or otherwise in any Cause, Civil or Criminal and shall make and distinctly repeat a solemn and conscientious Declaration and Affirmation according to the Form of his Profession in any Matter Cause or Thing wherein an Oath is required by Law, in the following Words, I. A. B. do Swear in the Presence of Almighty God as I shall answer at the Great and Awfull Day of Judgment that (as the Case may be) So help me God, — And such solemn and conscientious Declaration and Affirma-

A solemn and Conscientious Declaration and Affirmation shall be as valid as an Oath taken on the Holy Evangelists, and the Person falsely affirming shall incur the same Penalties as for Perjury

·tion

tion shall be deemed held adjudged and taken to be valid and effectual to all Intents Constructions and Purposes whatsoever in the same Manner as if such Person had taken an Oath on the Holy Evangelists of almighty God AND that all and every such Person and Persons as shall be convicted of falsely and corruptly affirming and declaring any Matter or thing which (if the same had been an Oath taken on the holy Evangelists) would by Law amount to willfull and corrupt Perjury, shall incur the same Penalties, Disabilities and Forfeitures as Persons convicted of Wilfull Perjury do incur by the Laws of Great Britain./

WILL^{M}. LITTLE Speaker

In the Council Chamber
December the 13:th 1756.

Assented to

J. REYNOLDS.

(State Archives.)

AN ACT For raising a Publick Store of Gun Powder for the Defence of this Province.

WHEREAS it is absolutely Necessary for the security and defence of this Province that there should be a Sufficient Store of Gun Powder always in readiness. WE THEREFORE pray your most Sacred

Preamble

Enacted

Every Commander of a Vessel. deliver four Ounces of Powder or pay Six Pence Sterling to the Clerk of the Naval Office for every Tun expressed in the Register of his Vessel.

Sacred Majesty that it may be Enacted AND BE IT ENACTED by the Governor Council and Assembly of this your Majestys Province of Georgia, and by the Authority of the same, That every Commander or Master of any Ship or Vessel that now is in or hereafter shall come into any Port, Creek or Harbour in this Province shall deliver the full and just Quantity of four Ounces of good and clean serviceable Gun powder to the Clerk of the Naval Office (who is hereby Authorized to receive the same) for every and each Tun according to the Tunnage expressed in the Register of his Ship or Vessel And for want of such Powder to be delivered as aforesaid the Commander or Master shall pay or cause to be paid Six pence Sterling for every Tun expressed in the register of his Ship or Vessel as Aforesaid.

Clerk of the Naval Office to keep an Account of the Name of the Master &c. and Quantity of Powder or Money so received.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Clerk of the Naval Office shall keep a fair Book of Accounts with the Name of the Master and the Name and Burthen of the Vessel with the Quantity of Powder or Money so received and an Account thereof to the General Assembly shall render when required so to do

WILL^{M}. LITTLE Speaker

In the Council Chamber
December the 14:th 1756.

Assented to

J REYNOLDS

(State

For Confirming Sales of Land.

(State Archives.)

AN ACT for confirming Sales of Land in the Province of Georgia by Attornies or Agents, and for ascertaining the Proof of Instruments or Writings made out of the Province

Preamble.

WHEREAS divers Persons living out of this Province are and have been Owners of Lands within the same, which Persons have usually appointed Attornies to sell and dispose of such Lands, To the End therefore that those who have so purchased may from henceforth be secured in their Titles and Estates, WE pray your most sacred Majesty that it may be enacted, And be it enacted, by the Governor, Council, and Assembly, of this his Majestys Province of GEORGIA, and by the Authority of the same, that all Sales of Lands, Tenements, and Hereditaments, within this Province, heretofore made by any Attornies or Agents who have been appointed and impowered by any Person or Persons having a Right so to do, are and shall be deemed and adjudged good and effectual in Law, to all Intents, Constructions, and Purposes whatsoever, as fully as if the said Owner or Owners of such Lands had, by their own Deeds and Conveyances, actually and realy sold and conveyed the same, And all and Singular the Lands, Tenements, and Hereditaments, sold and conveyed as aforesaid, shall be and remain to such Purchasers respectively for such Estate or Estates as the Owner or Owners so imploying his or their Attorneys or Agents had or ought to have had therein.

Enacted.

That All Sales of Lands &c. already made by Attornies or Agents properly impowered to be valid in Law—

And

All Bonds Specialties &c. the Execution whereof have been proved by one Witness by Affidt. or Affirmation before the Govr., Chief Justice, Mayor &c. of any his Maty's Provinces Cities Towns &c. where such Bonds &c. shall be executed, and accordingly certified under the public Seal of such Province City &c. shall be sufficient Evidence in Law—

AND be it further enacted, by the Authority aforesaid, That all Bonds, Specialties, Letters of Attorney, and other Powers in Writing, which shall be produced in any Court, or before any Magistrate in this Province, the Execution whereof being proved, by one or more of the Witnesses thereunto, by Affidavit or Affidavits, or solemn Affirmation in Writing, before any Governor or Commander in Chief, chief-Justice, Mayor, or other chief Magistrate, of any of His Majestys Provinces, Cities, Towns, or Places, where such Bonds, Letters of Attorney, or other Writings, are or shall be made or executed, and accordingly certified and transmitted under the Common or public Seal of such Province, Courts, Cities, Towns, or Places, where the said Bonds, Letters of Attorney, or other Writings, are so proved respectively shall be taken and adjudged as sufficient in Law as if the Witnesses therein named had been present, and such Certification shall be sufficient Evidence to the Court and Jury for the Proof thereof; PROVIDED, that, in every such Affidavit or Affirmation, there shall be expressed the Addition of the Party making such Affidavit or Affirmation, and the particular Place of his or her abode

Proviso.

All Sales of Land &c. hereafter to be made by Letters of Attorneys or Agency certified to have been proved as aforesaid or that shall be proved in this Province by one Witness shall be effectual in Law.

AND be it further enacted, by the Authority aforesaid, That all Sales or Conveyances of Lands, Tenements, or Hereditaments, which shall hereafter be made by Vertue of any Letters or Powers of Attorney or Agency duly executed, which do or shall expressly give Power to sell Lands or other Estates, and be certified to have been proved as aforesaid

aforesaid, or shall be proved in this Province, before any Justice of the Peace, by one or more of the Witnesses thereto, shall be good and effectual in Law, to all Intents, Constructions, and Purposes whatsoever, the same as if the said Constituent or Constituents had, by their own Deeds and Conveyances, actually and really sold and conveyed the same;

PROVIDED always, that no Sale of Lands, Tenements, Hereditaments, made by Vertue of such Power or Powers of Attorney or Agency as aforesaid, shall be good and effectual, unless such Sale be made and executed while such Power is in Force, and all such Powers shall be accounted, deemed, and taken, to be in Force, untill the Attorney or Agent shall have due Notice of a Countermand, Revocation, or Death of the Constitutent. Proviso.

WILL^{M}. LITTLE Speaker

In the Council Chamber

February the 8.th 1757

Assented to

J REYNOLDS.

(From

(From B. P. R. O.—B. of T., Georgia.)

Georgia.

AN ACT

For raising and granting to his Majesty a Sum of money to defray the Expences of holding the Courts of Oyer and Terminer and some other Expences of Government.

Preamble.

Whereas it is absolutely necessary that the Expences of the Courts of Oyer and Terminer and the charges of the present Sitting Assembly and some other Expences of Government should be provided for Therefore for the well and truly effecting of these purposes we humbly pray Your most Sacred Majesty that it may be Enacted And be it Enacted by the Governor, Council and Assembly of this Your Majestys Province of Georgia and by the Authority of the same that the Sum of one Shilling Sterling ℔ head be levied on all Negroes and other Slaves within the limits of this Province and the Sum of one shilling Sterling ℔ hundred acres on all Lands holden or possessed throughout this province Lands whereon any Churches or other Buildings for divine Worship or buildings for Charitable Uses are Erected and Lands appertaining to such Churches and buildings and all Slaves appurtenant to or going with such Churches Buildings or lands and all Moneys appropriated for Charitable Uses always excepted, And the Sum of Seven Shillings Sterling on every Hundred Pounds Sterling let out at Inter-

Enacted.

That one Shillings Sterling ℔ head be levied on all Negroes and one Shilling ℔ 100 Acres of land— and

Seven Shillings Sterling on every hundred pounds at Interest or in Trade.

est

est in this Province over and above what such Person or Persons shall pay Interest for and that all Merchants and Storekeepers shall be rated by the Assessors and Collectors hereafter Appointed by this Act at the rate of seven Shillings Sterling upon every hundred pounds Sterling of the full value of their Stock in Trade provided nevertheless That any Merchant or Storekeeper either in Town or Country who shall have reason to believe that he is over rated for his Stock in Trade shall have five days publick Notice given by the said Assessors in writing at the most publick place in the Town or District where such Merchant or Storekeeper shall reside to Swear off so much as he or they shall think themselves over rated before by the said Assessors or Collectors and the said Assessors or Collectors are hereby impowered to Administer such Oath and to allow of an abatement accordingly.

Traders over rated may swear off.

And be it Enacted by the Authority Aforesaid, That all houses in Towns and Town Lots shall be rated by the Assessors and Collectors equally and proportionably to the best of their knowledge at the rate of Seven Shillings Sterling ℔ hundred pounds Sterling of the value of such houses or Lots, and any Person or Persons that shall have Reason to believe they are over rated for their houses or lots shall have liberty to swear off as above directed for the Merchants stock in Trade

Town houses and Lotts to be rated at £100 Value of such houses &c. the owners if over rated, having leave to swear off—

And be it Enacted by the Authority aforesaid that all persons possessed of lands, Slaves, Moneys at Intrest or who are liable to pay any Tax by virtue

Accounts of particulars lyable to pay Tax to be rendered to the Collectors before the first Wednesday in April next and

tue of this Act shall on or before the first Wednesday in April next render a particular Account thereof in Writing and in what District the said Lands and Slaves do lye to the best of their knowledge to the Collectors or Assessors of the several districts respectively where the person who is to render such an Account do live and reside at such times and Places as the said Collectors and Assessors or any one of them shall direct and appoint for doing thereof and shall pay the Tax thereon to the said Collector or Collectors accordingly And the said Collectors and Assessors or any one of them shall and are hereby authorized and impowered to issue Executions against all such Person or Persons whatsoever in Their respective districts or places who shall refuse or neglect to pay their respective Tax as herein directed.

the collectors impowered to issue Executions against persons refusing or neglecting to pay the same.

Persons rendering their accounts of Money at Intrest &c. to do it upon Oath.

And be it Enacted by the Authority aforesaid that all persons in giving in or rendering their Account of money at Interest or land or Slaves as aforesaid shall declare the same upon Oath which Oath any of the Collectors and Assessors aforesaid are hereby impowered to administer.

Persons refusing to render accounts and pay their Tax, the Collectors to levy the same by distress and Sale of the defaulters Goods.

And be it further Enacted by the Authority aforesaid That in Case any Person whoever shall neglect or refuse to give in an account as aforesaid and pay his or their Tax at the Time herein before mentioned the Collectors or Assessors or any one of them respectively within Ten days after the time is fully elapsed shall cause the same to be levied by Virtue of a Warrant under his or their hand and

Seal

Seal directed to any Constable requiring him to levy the same by distress and Sale of the defaulters Goods returning the Overplus if any there be to the defaulter after deducting reasonable charges and the Constable and Constables to whom such Warrant shall be directed shall take from the defaulter the following Fees for the Execution of his or their Office namely for Serving every Execution one shilling Sterling and one Shilling for every Pound Sterling to be levied as aforesaid and two pence for every Mile computed from the dwelling House of the Constable to the dwelling House or residence of such Defaulter And the Collectors and Assessors respectively for every such Warrant he or they shall so issue shall have from such Defaulter one Shilling and Six pence Sterling.

Constables and Collectors fees for levying on Defaulters.

And be it further Enacted by the Authority aforesaid That the several persons herein after named shall be Collectors and Assessors for the several Towns districts and divisions herein after mentioned respectively namely for the Town and district of Savannah Samuel Marcer William Ewen Isaac Young and Thomas Rasberry for the district of Abercorn and Goshen John Morell and Mathias West for the Town and District of Ebenezer David Montaigut, Theobald Kuffer and Charles Thilo for the Towns and Districts of Augusta and Hallifax David Douglass Daniel Clark and Laughlan McGillivray for the district of Great and little Ogechee including the Town of Hardwicke Joseph Butler senior Phillip Delegal and John Davis for the district of Midway and Newport Grey Elliott Isaac

Names of Collectors and Assessors.

Lines

Lines Francis Arthur and Keneth Bailey for the district of Sapola and Darien Donald Clark Angus Clark and Alexander M^{c}donald for the Town and district of Frederica John Perkins and Daniel Demetre for the Sea Islands including the Villages of Vernonburgh and Acton John Milledge William Dews and Martin Fenton And Whereas there are or may be Sundry Tracts of Land Slaves houses and Moneys at Intrest owned or claimed by Persons not residents in this Province—

Attorneys or Trustees of Absentees liable to pay tax, as Owners, unless they declare on Oath, that they have renounced their Trust.

Be it therefore Enacted by the Authority aforesaid That all Attorneys or Trustees for such Persons shall make due return to the respective Assessors or Collectors in the Place or district where he or they live in the same manner as the Owner or Claimer above mentioned might or could was he actually present and such Attorney is hereby authorized and impowered to deduct the Same from the Money Effects or Lands entrusted with him and shall be subject and liable to pay the Tax that shall become due for the same out of his own or their proper Estate unless such Attorney or Trustee should make Oath before the said Collectors and Assessors or any of them that he has renounced his power and Attorneyship before the said Tax becomes due without having done it only with intention to avoid the payment of the Same, And if there be no Attorney or Trustee to be found for such Person who have Lands, Slaves, Houses and Moneys at Intrest and are living and residing out of this Province, the Assessors and Collectors shall be and they are hereby directed required and impowered

powered to sell Timber or any other Commodity thereon growing for payment of the Tax that shall become due as herein directed or shall lease the Lands to any Person for the Payment of the same.

Tax to be paid on or before the first Wednesday in, May next, or within 10 days after and the collectors to close their Accounts and to deliver them on Oath to the public Treasurer on or before the first Wednesday in June, and also the account of their own Lands &c.

And be it further Enacted by the authority aforesaid, that all Persons in any wise liable to pay Tax by Virtue of this Act shall pay the same on or before the first Wednesday in May next or within Ten days after at farthest as aforesaid, and the Collectors and Assessors shall give receipts if required such person writing the same, and the said Assessors and Collectors shall on or before the first Wednesday in June close their Accounts and shall deliver the same on oath to the public Treasurer, for the time being, who is hereby required and impowered to Administer the same, and pay him all such Moneys as shall by them be respectively received in pursuance of the directions of this Act without any deductions or Commissions or any other pretence whatever and the said Collectors and Assessors shall also give in the account of their own Lands Slaves and Moneys at Intrest and pay the same after the manner above mentioned.

deeds &c. made to avoid being Assessed declared void.

And be it further Enacted by the authority aforesaid that all Deeds of Gift, Conveyances, Mortgages Sales and Assignments of Lands and Tenements, Goods and Chattels of any person whoever, made with an Intent to avoid being assessed or paying Tax are hereby deemed and declared to be fraudulent, and null and void to all intents and purposes whatever.

And

penalty on the several Officers appointed to carry this Act into Execution neglecting their duty and

And be it further Enacted by the authority aforesaid that the publick Treasurer, Collectors Assessors, Marshal Constable and every other Magistrate or Officer, or any or either of them who shall neglect or refuse to do and perform the Several Matters hereby required of them to be done respectively, within the time prescribed by this Act shall for every such neglect or refusal forfeit the Sum of Ten pounds Sterling to be recovered in any Court of request in this province, the one half to his Majesty for the support of this Government and the other half to him or them that will sue for the same.

how to be applyed.

publick Treasurer to issue the Money by order of the Governor and Council and for the payment of Accounts examd. by the house of Assembly and signed by the speaker and lay his Accounts before the Assembly when required.

And be it further Enacted by the authority aforesaid, that the public Treasurer for the Time being shall issue the Money by Order of the Governor and Council for the purposes above mentioned and for the discharge of such Accounts as shall have been examined by the Assembly and Signed by Order of the house by the Speaker And the said Treasurer shall lay his accounts before the Assembly to be inspected when thereunto required of all Moneys received and paid by him as herein before directed and if any Money shall remain or be in his hands it shall be applyed towards establishing a post Office in this province.

duration of this Act.

And be it further Enacted by the Authority aforesaid that this Act shall continue and be in force

for

for one year next after the passing of this Act and no longer.

WILL^M. LITTLE Speaker

In the Council Chamber
February the 8th 1757

Assented to

J. REYNOLDS.

Passed the Assembly the 3d day of February 1757	A true copy taken from the Original Examined
Passed the Council the 4th February 1757	JAMES HABERSHAM Secr.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

Georgia.

To explain and amend an Act, intituled, an Act for declaring and Establishing the Method of drawing and Summoning Jurors in the province of Georgia.

Whereas there have been Mistakes in ingrossing the aforesaid Act, by not sufficiently ascertaining the Coroner and Justices impowered by the said Act to assist in the Execution thereof, and thereby abuses may arise, for Remidy of which, May it please

Preamble.

Enacted.

That the Coroner and Justices of the Town and district, where the Courts shall be holden shall assist in the Execution of the recited Act—

please your most Sacred Majesty, that it may be Enacted, and Be it Enacted by the Governor, Council and Assembly of this your Majestys province of Georgia, and by the Authority of the same, that the true Intent and meaning of the aforesaid Act, where the Coroner and Justices, who are impowered to assist in the Execution thereof, is and is hereby declared to be that the Coroner and Justices of the Town and District, where such Courts from time to time shall be holden shall be the persons so impowered.

WILL^{M}. LITTLE Speaker

In the Council Chamber
February the 8th 1757.

Assented to

J. REYNOLDS.

Passed the Assembly the 17th day of January 1757
Passed the Council the 2^{d} day of February 1757

A true copy taken from the Original Examined
JAMES HABERSHAM, Sec^{y}.

(From B. P. R. O.—B. of T., Georgia.)

Georgia.

AN ACT

For the better securing the payment and more easy recovery of debts due from any Person, not resi-

ding

ding in this Province, by attaching their Estate Personal if any such they have in this Province.

Preamble.

Where as many Inconveniences & Injuries frequently arise from the defect of the recovery of debts, where the Debtor is absent, or wittingly absconds from the Jurisdiction of this Province, such debtor often at the same time carrying on Trade & Commerce, or other Business, by Factors, Agents or Attorneys, & having moneys, Goods, Chattels and Debts, belonging and owing to him, But for want of proper Means to subject such Estate to the payment of the just & true debts of such absent debtors, many Persons have been & daily are defrauded & deprived of their just dues & demands. For Remidy and prevention of which Inconveniencies for the future We humbly pray your most Sacred Majesty that it may be Enacted And be it Enacted by the Governor Council and Assembly of your Majesty's Province of Georgia & by the Authority of the same, that from and immediately after the passing of this Act any person whatsoever, whether an Inhabitant of this province or else where, having occasion to commence any Suit or action in the General Court in this Province, against any such absent person, upon any Judgment Bond Bill Note of hand Book debt or Assumpsit whatsoever, or wheresoever, made or entered into, shall & may by himself or his Attorney Petition the Chief Justice or until such be appointed, Either of the Justices of the General Court aforesaid, setting forth the State & Nature of the Truth of which to the best of their knowledge Oath shall be made of his

Enacted.

That the Monies, Goods, Chattels &c. of absent debtors may be attached.

or

Writ of Attachment to be directed to the provost Marshall.

or her demand, & that the debtor is out of the limits of this Province, which being done it shall & may be lawful for the Chief or Senior Justice, or the other Justices aforesaid to grant & issue a Writ or Writs of attachment, directed to the Provost Marshal of this Province, requiring & Commanding him immediately to attach Monies, Goods, Chattells, debts & Books of Accounts belonging to the absent debtor in the possession or power of any person or persons whatsoever, & the attaching of any part thereof in the name of the whole that is in such persons Possession or Power, shall secure & make the whole Subject & liable in law to answer any Judgment that shall hereafter be recover'd & awarded upon that Process. And the Provost Marshal at such time as he shall execute such Writ of Attachment, shall Summon the person in whose holding possession or Power the said Effects shall be by serving them with a true Copy of the said Writ, with a Notice thereon indorsed, Requiring them to appear before the Chief Justice or other Justices of the said General Court at the return thereof, To shew Cause why the said Effects so attached should not be adjudged to belong to such absent debtor, but if no person is present at the time of attaching any such Effects as aforesaid, then & in such case, the Provost Marshal shall fix up at the door of the Court house a Copy of the said Writ, with an account of the Effects attached. & give Notice thereof in the Gazette, & in case there shall be no Gazette, shall publish the same by advertisement in the district where such Effects are, for any Person claim-

who shall Summon the parties in whose hands the Effects shall be found to appear at the General Court at the return of the said Writ. if no person present the provost Marshall shall give Notice of the Effects attached.

persons summoned refusing to appear & discover the Effects of such absent debtor Judgment and Execution may be awarded against their proper Effects &c.

ing

ing the same, to appear & shew cause as aforesaid, and the person so Summoned shall be obliged to appear at the return of the said Writ and to discover upon Oath, what Sum or Sums of Money, debts, goods, Chattells, & Books of Accounts, they have in their possession or Power to which the said absent debtor hath any right Claim or property whatsoever. And if such person after being duly summoned as aforesaid & proof thereof made to the Court, shall neglect or refuse to appear at the return of the said Writ or at farthest during the Sitting of the General Court next after the return of the Writ, or if, on appearing shall refuse to discover upon Oath, what Effects they have in their possession or Power belonging to such absent debtor that then and in such Case the person so summoned shall be condemned for default of appearing or discovering upon Oath, as the Case shall happen, and Judgment shall be given against him, her or them & Execution awarded against their proper Goods and Effects for payment and Satisfaction of the Debt attached for, the same being legally proved to the Court. And if any Goods or Chattells shall be actually seized & taken into the Custody of the Provost Marshal by Virtue of such Writ of Attachment and the Person so Summoned shall not appear at the Return of the said Writ, then upon their default and no person then appearing & laying Claim to the said Effects so attached, the same shall be adjudged & taken to be the property of the absent debtor. But if the Person so summoned shall appear at the return of the Writ, and lay claim to the

said

said Effects, & upon Oath, deny the same to belong to the absent debtor, or that he hath any Moneys Goods Chattels Debts or Books of Accounts in his possession or power in trust for or belonging to the said debtor if the Plaintiff shall rest satisfied therewith, then the said Attachment shall be discharged but if not, then the claimant or person so summoned as aforesaid shall be put to plead the same, and the matter shall be tried by a Jury forthwith, or at such other Court and Time as shall be appointed by the Justices of the said Court, and the Party against whom Judgment shall be given in the Same, shall pay to the prevailing party such reasonable Costs and Charges as shall be allowed by the Chief Justice or other Justices aforesaid And be it further Enacted by the Authority aforesaid that the person who Sue out a Writ of Attachment, shall be obliged to file his declaration within two Months after the return of the said Writ, unless sufficient cause shall be shewn to the Chief or Senior Justice for a long time & shall serve the Wife or Attorney of such absent debtor if any or either are known to be within this Province with a Copy of the said declaration with a special Order of Court endorsed thereon, Ordering when such absent debtor shall plead or make his defence in the said Action, and the said Chief or Senior Justice shall have power to allow any Time for the same, not exceeding a Year & a day And if the said debtor shall have no Wife or Attorney known to be within this province, then such Notice shall be given as aforesaid. once every three Months during the said year & day

A person suing out a Writ of attachment to file his declaration within two Months after the return of the Writ, and the absent debtor allowed time to plead not exceeding a year & a day.

day. And if the absent debtor shall not appear & make his defence, within a year & a day from filing the declaration, then final & absolute Judgment shall be forthwith given & awarded for the plaintiff in the Attachment.

The Monies, Goods &c. attached shall, on filing the declaration be delivered into the plaintiffs hands being first Inventoried and Appraised—

And be it further Enacted by the Authority aforesaid, That where any Moneys Goods Chattels debts, & Books of Account shall be Attached as aforesaid, the same shall, on filing the Declaration be immediately paid & delivered into the Hands of the Plaintiff, being first Inventoried and Appraised by two or more persons to be appointed by the Court for that purpose, And the Plaintiff shall be obliged, before the said Effects are delivered to him to enter into a Recognizance with Security in double the value of the Goods attached, to prosecute the Suit with Effect, and that the Moneys & the appraised Value of the Goods & Chattels, and also the said debts and Books of Accounts shall be forth coming, in case the absent Debtor shall appear in Court within the said year and a day and discharge himself of the plaintiffs demand against him, and that if the said Debtor shall not appear as aforesaid, That then the Plaintiff shall deliver into the Hands of the Clerk of the General Court aforesaid, the Residue of all such Moneys, Goods Chattells debts & Books of Account After payment of such Sums as shall be awarded him, her or them by the Judgment of the said Court which said Residue shall be subject to the order of the said Court for the use of the absent debtor.

And be it further Enacted by the authority Aforesaid

The plaintiff in the Attachment, into whose hands any Bonds &c of the absent debtor shall come may sue for, and give discharges for the same.

Aforesaid, that the plaintiff in the attachment, into whose hands any Bonds, Notes or Books of Account shall be delivered as aforesaid, shall have full power & authority to Sue for, recover & receive the same in the Name of the absent Debtor, of & from all persons whatsoever from whom the said Bonds or Notes are due, & who shall appear by the said Books of Account to be indebted to the said absent debtor, & shall have full power to give sufficient Receipts & discharges for all such Sums of money he shall receive as due to the said absent debtor, & such Receipts shall be a full & absolute discharge to the parties making any such payments for the Sums therein mentioned, as fully & absolutely to all intents & purposes as if done & given by such absent debtor himself.

Plaintiff to make Oath to his demand and if indebted to the defendant the same to be deducted out of the sum demanded

And be it further Enacted by the Authority aforesaid, that the Plaintiff before the issuing of an attachment as aforesaid shall make Oath to the debt or Sum demanded, & that no part of the same is paid, & that he doth not, in any wise or upon any Account whatsoever stand indebted to the defendant & in case it shall appear that the Plaintiff be indebted to the defendant such Sum shall be allow'd & deducted out of the Sum demanded, and in such case a stated account shall be sworn to, and filed together with the said declaration.

And be it further Enacted by the Authority aforesaid, That in Case the Defendant whose Moneys Goods Chattels debts or Books of Account shall be attached in the hands of any Person, really

and

and truly indebted to the Person in whose hands the Effects are attached, then such person, if the possession of the said Goods was obtained legally (and not otherwise) shall be first allowed his or her own debt they forthwith filing their Declaration, and in every other respect, proceeding as if they were plaintiff in the Attachment.

If the defendant be indebted to the person in whose hands the Effects are attached such person shall be allowed his own debt first proving the same.

And be it further Enacted by the Authority aforesaid, that in Case any Effect shall be attached, the Chief Justice, or other Justices aforesaid, shall and may on any reasonable application to him or them made, Grant an Order for the Sale of such part of the Effects as may be sufficient to pay the debt & charges, and no more, the Provost Marshal by whom the said Goods are Sold, first giving publick Notice thereof, by fixing up an Advertisement on the door of the Court house at least twenty one days before such Sale, and the Money arising therefrom shall either be paid into Court, or into the hands of the plantiff Security first being given to return the same in case Judgment shall not be obtained Against the defendant as aforesaid.

Effects attached may be Sold by order of the Chief Justice to pay the debt & charges.

And be it further Enacted by the Authority aforesaid, that if at any time within the year and day, any Person shall appear as Attorney to the absent debtor, and will put in Bail to answer the Action & pay the Condemnation, that then & in such case the Attachment shall be dissolved, & the Effect so attached shall be forthwith paid and delivered to the person appearing & giving Bail as aforesaid, & such Person & his Security shall be

Attorney appearing for the absent debtor and answering the debt, the Attachment to be dissolved.

obliged

obliged to satisfie, & liable to pay all such Sums of money as the Plaintiff in the attachment shall obtain Judgment for against the absent Debtor, together with all such Costs & charges as shall be taxed by the Chief Justice or other Justices as aforesaid.

Absent persons against whom Judgment hath been obtained, appearing in two years & disproving the debt, shall recover full damages with treble Costs of Suit.

And be it further Enacted by the Authority aforesaid, that in Case any absent person against whom an attachment is issued by Virtue of this Act, shall appear within two years, and disprove the Debt which shall have been recovered against him, he shall recover against the Plaintiff in Attachment, the full damage which he has sustained by his unjust vexation with treble Costs of Suit. Provided always that in case any person who is about to depart this province, shall twenty one days next before his departure, Give Notice in the Secretarys Office and at the most publick place and in the District where such person resides, that he is about to depart this Province, and is ready to answer any Suit that shall be brought Against him, and in the mean time shall be always ready to appear and give Bail to any Summon that shall be issued against him, in such Case the person refusing to commence his Suit, while the person to defend was present and offered to answer the same as aforesaid, shall not have the benefit of this Act nor attach the absent parties Estate for any Cause of Action that did arise before such Notice given.

This Act not to extend to any person bound from this province, who, for 21 days before his departure, shall give notice of the same

Fees of Attorneys & other Officers concerned in Recovery of debts by this Act not to exceed £5, Milage excepted

And be it further Enacted by the Authority aforesaid, That the fees of the Attorneys and all other Offices concerned in the Recovery of any debts

debts by virtue of this Act shall not exceed the Sum of Five pounds Sterling (mileage always excepted).

The General Court not to grant Attachment for any Sum, that does not exceed £10, which is to be recovered as prescribed by the Act for the better regulation of the Courts of request.

And be it further Enacted by the authority aforesaid that nothing in this Act shall extend or be construed to extend to the vesting of the General Court with any power to grant Attachment for any Sum that does not exceed Ten pounds Sterling, but the said Sum or Sums shall be recovered in the manner prescribed by an Act of this Province entituled an Act for the better Regulation of the Courts of request, any thing herein before contained to the contrary notwithstanding.

The Continuance of this Act.

And be it further Enacted by the authority aforesaid that this Act shall continue and be of force for the space of two years, and from thence to the End of the next Sessions of the General Assembly and no Longer.

WILL^{M} LITTLE Speaker

In the Council Chamber

Febr^{y} the 8th 1757.

Assented to

J. REYNOLDS.

Pass the Assembly the 24th day of November 1756
Passed the Council the 31st day of January 1757

A true Copy taken from the Original Examined

JAMES HABERSHAM, Sec^{y}.

(From

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

Georgia.

For Explaining and Amending an Act to empower the Several Surveyors hereafter named to lay out Publick Roads in the Province of Georgia.

Preamble.

Whereas the Regulations made in and by an Act of the General Assembly of this Province Entituled an Act to Impower the Several Surveyors hereafter named to lay out Publick Roads in the Province of Georgia have not fully answered the good Ends proposed in passing the Same, and several Regulations and explications being further necessary to be made for that purpose. And Whereas many of his Majestys Subjects Settled on the Southern Frontiers of this province who are obliged to attend in Assembly and at the General Courts at Savannah are put to great inconveniencys for want of a Road to open a Communication from the Town of Savannah to great Ogeechee by reason that the present Number of Inhabitants that by the recited Act are obliged to work on the South West Road are too inconsiderable. For remidy whereof and that there be a greater Number of Inhabitants added to assist & carry on the same at the equal Labour & expence of the Inhabitants: We therefore humbly pray your most sacred Majesty that it may be Enacted, And be it Enacted by the Governor Council & Assembly of this your Majesty's Province of Georgia, & by the Authority of the same, That all and every the Male Slaves and their Owners, Overseers or Managers, whatsoever that are by the before recited

Enacted.

That all Male persons lyable by a former Act to work on the South East & Southern Roads, the Inhabitants of the Islands the Villages of Acton & Vernonborough & Sir Patrick Houston & his Servants excepted shall work on the South West Road.

cited Act lyable by law to work on the South East & Southern Roads the Inhabitants of the Islands & those also of the Villages of Acton and Vernonburgh Sir Patrick Houstoun and his Servants and Slaves excepted, shall & they are hereby Obliged to Work on the South West Road and be subject to the same Fines & penalties as are inflicted on any person or persons who shall neglect or refuse to do the same as by an Act of the general Assembly of this Province in that case made and provided the Surveyors of the South West district shall have full power & authority to Summon the Several Inhabitants of the South East and Southern districts aforesaid and one half of the Male Inhabitants of the Town and Common of Savannah as fully and to all intents & purposes as if they were in their districts.

half the Male inhabitants from the age of 16 to 60 years of the Town & Common of Savannah to clear the same, and the other half to work on the South West Road.

And Whereas the Town and Common of Savannah is very much grown with Trees, Bushes and Weeds to the great nusence of the Inhabitants and no method has hitherto been pointed out in the former Act to clear & keep the same in good order Be it therefore Enacted by the Authority aforesaid That half the Male Inhabitants from the Age of Sixteen to Sixty residing in the said Town & Common of Savannah, shall & they are hereby obliged from time to time to clear & keep the same in good order at such times of the year as the Surveyors herein after appointed for that purpose shall direct & the other half of the said Male Inhabitants of the said Town & Common be imployed in the South West Road and shall be subject to the same fines and

and penalties as any person neglecting to work on any public Road in this Province.

A fourth part at least of the Fines to be employed in repairing the publick Wharfe in Savannah.

And Whereas the public Wharf in Savannah is now in a ruinous condition Be it therefore Enacted by the Authority aforesaid That after the fines shall be levied, the said Surveyors shall appropriate at Least a fourth part of the said fines towards the repairing & keeping in good Order the said publick Wharf of Savannah.

Proviso.

Surveyors named & appointed for that purpose, who are to appoint a person to attend the said Wharfe, when repaired, and to receive the accustomed Wharfage.

Provided always That half of the Male Inhabitants Aforesaid are exempted from working on any Publick Road, Bridge or Causeway whatsoever, & that Joseph Ottolenghe, Noble W. Jones, Charles Watson William Ewen and John Morell shall be & they are hereby appointed Surveyors for that purpose.

And be it further Enacted by the authority Aforesaid That as soon as the said Wharf shall be repaired, that then the Surveyors before mentioned shall appoint a proper person to look after & attend the same, who shall take and receive the Accustomed Wharfage, & be accountable to the said Surveyors and pay the same into their hands, which Wharfage shall be appropriated by the said Surveyors towards paying the incidental Expences attending the said Wharf Provided that the Inhabitants of this Province be exempted from paying anything for landing any Goods on the said Wharf, unless they remain there above twenty four hours.

Proviso.

And be it Enacted by the authority aforesaid That the North West Division of this province which

which extends from Barton Branch to the most northerly settlements, shall be divided into two separate districts, That is to say, the Lands from Bartons Branch to Bryer Creek including the Settlements of Ogeechee and Hallifax as far as Sweet water run shall be third North West district, & John Henry Graven, Lewis Binan, David Manuel, William Alexander Samuel Hudson and Robert Hudson, shall be & they are hereby appointed Surveyors for the said district.

Part of the North West Division divided into two districts, called the 3d. N. West and the 4th N. West Districts.

Surveyers of the 3d. N. West District.

And be it Enacted by the Authority aforesaid that the Lands from Bryer Creek and Sweet water run to Little River including Augusta & all the Settlers on Savannah River to the farthest Settlements in that division shall be the fourth North West district, & David Douglass, John Rae Edward Barnard John Fitch, John Spencer, Robert Germany and Thomas Red shall be & they are hereby appointed Surveyors for that District And Whereas the District of Darien as it now stands is so extensive that the Inhabitants thereof are intirely unable to accomplish their part of the Road. Be it Enacted by the authority aforesaid, That the Inhabitants of the district of Midway shall & they are hereby obliged to carry the aforesaid Road to M^{r} Hastings Line, and from thence to be carried on by the Inhabitants of the District of Darien to the River Altamaha and the Inhabitants of great Ogeechee district to work through M^{r}. Donnoms Swamp which in the before recited Act is called the North Branch of Midway, and that Joseph Butler Sen^{r}. be added to that District as Surveyor for great Ogeechee.

Surveyers of the 4th N. West District.

Inhabitants of the district of Midway to carry the Road to Mr. Hastings line, and,

the Inhabitants of the district of Darien to carry it from thence to the River Altamaha, and, the Inhabitants of Great Ogeechee to Mr. Donnom's Swamp.

And

Persons lyable to work on the roads in the So. East and Southern districts exempt from working on any other public Road, except half the Persons on the plantations of Jonathan Bryan & John Smith who are to work on the So. West Road.

And be it Enacted by the Authority aforesaid, That all & every Person or Persons who are lyable to work on the High Roads in the South East & Southern districts leading from Savannah to M^rs. Ann Parkers, and from the Town of Savannah along to Vernonburgh as is above mentioned shall be exempted from working upon any other publick Road whatever the Plantations of Jonathan Bryan & John Smith only excepted, one half of the Labour of the Males on the said Plantations to be employed on the Aforementioned South East Road, and the other on the South West Road, any Act, Law Usage or Custom to the contrary in any wise notwithstanding And whereas it hath been doubted whether the Surveyors of the high Roads, having once taken upon themselves to execute the said Office respectively can afterwards resign the same Be it Enacted by the Authority aforesaid that it shall & may be lawfull to and for all and every the Surveyors aforesaid after having served three years from the time of their Appointment to resign their Offices respectively by signifying the same under their Hands to the Board of Surveyors for the district or division respectively for which they are or shall be appointed, at one of the times of their Annual meetings in whose Stead the said Board of Surveyors are hereby impowered to nominate & appoint other proper Persons.

Surveyors Serving three years may resign and the Board of Surveyors may appoint others in their room.

And Whereas by the 3^d - 4 - 5 - 6 - 7 - 8 - 9 10 - 11 and 12^th Paragraphs of the before recited Act and even Number of Surveyors are appointed, by which many inconveniences arise for want of an umpire

umpire; Be it therefore Enacted by the Authority aforesaid That one more Surveyor be added to each district, & such appointment shall be made by the Majority of the Board of Surveyors of each district Provided that no more than Seven Surveyors be for any one district.

One Surveyor to be appointed in each district where the Number does not exceed Seven.

And be it Enacted by the Authority aforesaid, That in case any of the Surveyors of the high Roads mentioned in this & the above recited Act in this Province or any other Person or Persons appointed by the Board of Surveyors in the room & stead of any of the Surveyors that should happen to die, go off the province or resign, shall be sued or prosecuted for any Matter or thing done, or to be done in Obedience to the Directions of this Act or the Act before recited of the General Assembly of this province relating to the making, mending or Altering High Roads, He or they shall be at liberty to plead the General Issue & to give this Act and such Act as aforesaid And the special Matter in Evidence.

Persons sued may plead the General Issue.

And be it further Enacted by the authority Aforesaid that the Surveyors herein before named shall have use & exercise all the powers & authority for putting this Act in Execution which are given to any other Surveyors of high Roads & be Subject to the same Penalties as are inflicted on any Surveyors of high Roads by any Act of the General Assembly of this Province.

Surveyers named in this Act to have all the powers and Subject to the same penalties as inflicted or provided by any Act of this province.

And be it further Enacted by the Authority aforesaid That this Act & every Matter & Cause therein

Duration of this Act.

therein contained, & also the Act intituled an Act to impower the Several Surveyors named to lay out publick Roads in this Province as the same is Amended & explained by this present Act, shall continue and be in force for the space of two years from the passing of this Act and from thence to the End of the next Sessions of the General Assembly & no longer.

WILL^{M} LITTLE Speaker.

In the Council Chamber
February the 8th 1757.

Assented to

J. REYNOLDS.

Passed the Assembly the 2^{d} day of December 1756.
Passed the Council the 25th day of January 1757.

A true copy taken from the Original Examined
JAMES HABERSHAM, Sec^{y}.

(From B. P. R. O.—B. of T., Georgia.)

Georgia.

AN ACT

For the providing for & disposing of the Acadians now in this Province.

Whereas the Acadians now in this Province mostly

mostly reside in & about the Town of Savannah and do illegally cut & appropriate to their own Use the most Valuable Timber belonging to many of the Inhabitants, and as the distributing them in different parts of the Province may not only prove of Publick Benefit but Likewise be the more certain of them & their Family's. Preamble.

We therefore humbly Pray your most Sacred Majesty, that it may be Enacted; And be it Enacted by the Governor Council and Assembly of this your Majestys Province of Georgia, and by the Authority of the same, that in Case any of the said Acadians shall refuse to Labor for such persons as are willing to supply them in families with sufficient Provisions Cloaths & Lodging for their Service, that then it shall & may be Lawfull for any Justice of the peace of the district where such Acadians reside, and such Justice is hereby Authorised and impowered by a Certificate under his hand & Seal to bind the said Acadians or any of them to such Person as may be willing to take them Provided that no family of Acadians shall be divided but by their own Consent. And Provided also that no Acadian upwards of Eighteen years of Age shall be obliged to serve more than three years nor any under Eighteen Longer than till they arrive at the Age of Twenty one years. And that the said Certificate shall be in the Words and form following viz[t]: Enacted.

That the Acadians refusing to Labour for persons willing to Supply them in families with provisions &c, the Justices may bind them to such persons by Certificates under their hands &c.

proviso; if upwards 18 years of age, not to serve more than 3 years, & if under 18, not longer than until the age of 21 years.

Georgia

Form of the Justices Certificates.

Georgia

These are to certify that was on the day of bound to to serve for the space of Years from the date hereof According to the Direction of this Act, the said to find the said in sufficient Provision, Cloathing and Lodging according to the Custom of this province in Cases of indented Servants Given under my hand & Seal this Day of in the year of

Justices to receive 1s 6d for a Certificate and to Enter the Names of the Acadians, & to whom bound in a Book for that purpose, but such Certificates to be void, if his Majesty shall signify his pleasure, that they shall be otherwise disposed of

And the said Justice shall have for every such Certificate one Shilling & Six pence Sterling from the Person to whom any such Acadian or Acadians shall be bound and that the said Justice shall enter the Name of every Acadian so by him bound and of every person to whom bound in a Book kept for that purpose, that recourse may be had thereto if need be, but such Certificate shall be void And of none Effect whenever his Majestys Pleasure shall be signified that the said Acadians shall be otherwise disposed of, and the said Certificate shall be sufficient in Law to bind every Acadian according to the Tenor thereof, and be transferable, & subject them, to all the regulations as in Cases of White Servants as if an Indenture had been Voluntarily executed by every person so bound And be it Enacted by the Authority aforesaid that it shall not be Lawfull for any of the said Acadians to have or use any fire Arms or other Offensive Weapons otherwise than in his Masters Plantation or immediately

Acadians not to use any fire arms &c. unless in their Masters plantation, or under his Inspection.

under

under his Inspection on any Occasion, Account or pretence whatsoever.

WILL[M] LITTLE Speaker.

In the Council Chamber

february the 8[th] 1757.

Assented to

J. REYNOLDS.

Passed the Assembly the 27[th] day of November 1756.

Passed the Council the 1[st] day of december 1756

A true copy taken from the Original, Examined

℔

JAMES HABERSHAM, Sec[y].

(State Archives.)

AN ACT

For the better Settling of the Province of Georgia

WHEREAS it is of the greatest Importance to the safety of the British Empire in America that the Province of Georgia should be peopled with a Number of Inhabitants sufficient to repel any Invasion or Incroachment of foreign Powers, and to prevent any Incursion of the Indians AND WHEREAS many of your Majesty's Subjects are through unavoidable Misfortunes, and the obduracy of

Preamble.

of their Creditors, constrained to abandon their Country and seek Refuge in the Islands and Territories of other Princes and States, who if protected for a Season, in this your Majesty's Colony of Georgia from Actions of Debt, might become useful to their Mother Country and add great Strength and Riches to this Frontier We therefore humbly pray your most sacred Majesty that it may be Enacted,

Enacted.

AND BE IT ENACTED by His Honor Henry Ellis Esquire Lieutenant Governor and Commander-in-Chief of the Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons-House of Assembly of the said Province in general Assembly met and by the Authority of the same, that all and every Person and Persons who may or shall at any time within the space of three Years from and after the first Day of August next arrive in and become an Inhabitant of this Province from any other Province, Island or Country, whether under the Dominion of the Crown of Great Britain, or subject to any other Prince or State, (that part of South-Carolina lying to the Northward of the River Savannah only excepted) shall be protected and free, and are hereby protected, freed, exempted and discharged from all Arrests, Suits and Actions whatsoever, for any Debt, Sum or Sums of Money whatsoever, from them owning, and which shall or may have been contracted at any time before and prior to the Day of their arrival within this Province as aforesaid except only for such Debt, Sum or Sums of Money, as they may be indebted, and from them owing to

That all Persons becoming Inhabitants of this Province within 3 Years from the 1st day of August next from any other Province &c. (except that Part of South Carolina lying to the Northward of the River Savannah). shall be protected from Arrests &c. for Debts owing by them before their Arrival in Georgia (except from such Debts as they may owe in Great Britain, Ireland or this Province or the excepted Part of South Carolina) for Seven Years from the Time of their Arrival—

the

the Inhabitants of Great Britain, Ireland or of this Province or to the Inhabitants of that part of South-Carolina lying to the Northward of the River Savannah, or to any others whomsoever for or upon Account of value rceeived from such Inhabitant, or other Person, during the Residence of such Debtor at any time within Great Britain, Ireland or this Province or within the before excepted part of the said Province of South-Carolina for and during the full term and space of Seven Years from the time of such Person — — — — and Persons arrival within this Province as aforesaid AND BE IT FURTHER ENACTED by the Authority aforesaid, That in Case any Person or Persons, who shall arrive in this Province except as before excepted within the space of three Years from the said first Day of August next shall happen to die before the Expiration of Seven Years after his or their arrival, neither the Estate Real or Personal of such Person or Persons, nor the Heirs, Executors or Administrators of such Person or Persons so dying shall be liable to the Payment or Satisfaction of any Debt or Debts of such Person or Persons so dying, contracted before his or their arrival within this Province, until the End and Expiration of Seven Years from the Day of the Arrival of such Person or Persons so dying as aforesaid (except such Debt or Debts was or were owing to any Inhabitant of Great Britain, Ireland or of this Province or to the Inhabitants of that part of South-Carolina lying to the Northward of the River Savannah, or to any others whomsoever, for or upon Account of Value received

That in Case of the Death of such Person before the Expiration of 7 years his Estate shall not be liable to the Payment of such foreign Debts (except contracted in Great Brittain &ca.) before the 7 years be expired.

received from any such Inhabitant, or other Person during the Residence of such Person or Persons so dying, at any time, within Great Britain, Ireland or this Province or within the before excepted part of the said Province of South-Carolina AND BE IT FURTHER ENACTED by the Authority aforesaid, that in Case and when ever any Person or Persons protected by, and who shall take the Benefit of this Act shall after the expiration of the said Term of Seven Years, from the time of his, her or their arrival as aforesaid be sued prosecuted or impleaded, for any Debt, Sum or Sums of Money whatsoever, by them due and owing, and which shall have been contracted before his her or their arrival in this Province, the Plaintiff or Plaintiffs so suing, prosecuting or impleading, shall not recover, or be allowed to give in Evidence, any further then the original Debt and Interest thereon, Sum or Sums of Money, due owing and contracted before the time of the Arrival of such Debtor within this Province as aforesaid, freed and discharged of any Interest or Premium which may have accrued or arisen during the time such Debtor enjoyed the Protection of this Act, for which original Debt and Interest, Sum or Sums of Money, so due and owing, the Court, where such Plaintiff or Plaintiffs shall sue or prosecute, shall give Judgment, and for no more, any thing herein contained to the contrary notwithstanding

That Persons suing such forreign Debtor after the 7 Years be expired shall recover no more, than the original Debt and Interest due thereon, previous to such Debtors Arrival in the Province.

AND BE IT FURTHER ENACTED by the Authority aforesaid that in Case any Person or Persons protected or intended to be protected by this Act,

Act, shall at any time within the space of Seven Years from the Day of his her or their Arrival in this Province as aforesaid be arrested sued or impleaded, for any Debt, Sum or Sums of Money by him her or them owing, and contracted, before such time as he she or they arrived in this Province, excepted as before executed such Person or Persons shall be discharged upon common Bail, and shall and may plead in General, that the Cause of such Action or Suit did accrue before the time, that he, she, or they arrived, in this Province, and may give this Act, and the special Matter in Evidence PROVIDED always that nothing herein contained do extend or shall be construed to extend to the protecting any Person or Persons already arrived within or become an Inhabitant of this Province or that may or shall arrive within this Province before the said first Day of August next, from any Arrest Suit or Action for the recovery of any Debt or Debts, Sum or Sums of Money by them contracted, at any time whatsoever, nor to the protecting any such Inhabitant, or any other Person either already arrived, or that shall at any time hereafter arrive within or become an Inhabitant of this Province, whether such Person or Persons is are or shall be deemed intituled to the Protection of this Act or otherwise, from any Arrest, Suit or Action for the recovery of any Debt Sum or Sums of Money they may contract after their arrival, and during their Residence in, or their been deemed an Inhabitant of this Province, whether such Debt or Debts, Sum or Sums of Money shall be contracted within and during the said Term of Seven Years or afterwards

That any Person protected by this Act, arrested, &ca.) within 7 years after his Arrival (except as before excepted) shall be discharged on common Bail, and may give this Act in Evidence.

D. M. J. H.

Proviso.

afterwards; the true intent and meaning of this Act being only to protect such Persons as shall within three Years from and after the said first Day of August next arrive and become Inhabitants of this Province from such Debt or Debts only as they may have contracted before their arrival as aforesaid, any thing herein contained to the contrary notwithstanding AND for the better ascertaining the time of the Arrival of such Person and Persons, as may claim the Protection of this Act, every such Person and Persons, is and are hereby required within the space of Three Months, after his her or their arrival to affile an Affidavit in the Secretary's Office of this Province, setting forth the Day Month and Year in which he, she or they arrived in this Province the Place from whence he, she or they came, together with the Number of his her or their Family, and the Number of his her or their Slaves, and to take out a Certificate thereof and the said Secretary is hereby required to Register such Affidavit, in a Book to be by him kept for that purpose, and to give Certificates thereof taking for his trouble for the whole Two shillings and no more and such Register and Certificate or either of them shall be admitted and allowed as legal Evidence in proof of the arrival of such Person so Registered in all and every Court and Courts of Record within this Province

Persons to be protected shall in 3 Months after Arrival set forth by Affidavit, when they arrived, from whence, and the Number of their Family and Slaves; and affile the same in the Secretarys Office and take out a Certificate thereof.

Secretary required to register such affidavit and to give Certificate— Fees to be paid 2/

such Certificate to be admitted legal Evidence.

ex :

By Order of the upper House—

DAVID MONTAIGUT Speaker

JAMES HABERSHAM

Assented to 19th July 1757

HENRY ELLIS

From

For preventing the Enemy From Being Supplied With Provisions.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

for preventing the Enemy from being supplied with Cattle or other provisions from this Province.

Preamble.

Whereas the General Embargo lately laid, by Vertue of his Majestys royal Proclamations upon all ships and Vessels clearing out with Provisions from this and other his Majestys Provinces, (except as therein excepted) with Intent to prevent the Enemy from being supplied therewith, has nevertheless been found insufficient for that Purpose by Reason the same extends only to such Provisions as shall be loaden or Shipped on Board any Vessel in the Harbours or Ports of the said Province And Whereas sundry live Cattle and other provisions are daily brought up & conveyed over land through this Province for the Use of the Enemy contrary to the Intention of the said Embargo and to the manifest Injury of his Majestys Service For Remedy whereof and to prevent as much as may be the like for the future We pray your most sacred Majesty that it may be Enacted And be it Enacted by his Honour Henry Ellis Esquire Lieutenant Governour & Commander in Chief in and over his Majesty's said Province of Georgia by & with the advice & Consent of the Honourable Council and Commons house of Assembly of the said Province in general Assembly met And by the Authority of the same That from henceforth if any Person or Persons shall drive, carry or convey, or cause to be driven, carried

Enacted.

or

That from passing the Act any person driving or conveying any Cattle horses or other provisions (except what necessary for the immediate support of his family) or by any Vessel or Boat Causing the same to be conveyed to the Southward of Great Ogechee river or more than 10 Miles from his Pen or Plantation without Licence under the hand & Seal of one Justice of the Peace of the district, where such person reside; a Constable or any other person may seize such Cattle &ca. and, on Conviction of the Offender before two Justices of the district where seized, such Justice may Cause Sale thereof to be made as forfeited, One Moiety for the use & Defence of the Province and the other to the person making the Seizure.

or conveyed, any Cattle, Horses, Sheep or Swine, or any Beef, Pork, Biscuit, Corn Rice or Flower, or other Provisions whatsoever (Except such Cattle, Horses, Sheep, Swine, Beef, Pork, Biscuit Corn Rice, Flower, or other provisions as shall be necessary for the immediate Support of his or their Family or Families) or shall load or put the same on Board any Boat, Canoe, or Periagua, or any other Vessel, in order to be transported and conveyed to the Southward of the River great Ogechee or more than ten Miles from the pen, plantation or Settlement of the person or persons to whom the same shall belong without License & permission therefore first had & obtained under the Hand & Seal of one or more Justices of the peace of the Province or of the district or Division where such Person or Persons shall reside. It Shall and may be lawfull to & for any Constable or other Person to Seize and keep the same And on due Conviction of the Offender upon Oath before two or more Justices of the Pease of the District where such Cattle, Horses, Sheep, Hogs, Beef, Pork, Biscuit Corn, Rice Flower or other Provisions shall be Seised such Justices shall & may issue their Warrant for disposing thereof as forfeited; One Moiety of the produce of such forfeiture to be paid to his Majestys Treasurer for the use & defence of the Province, And the other Moiety thereof to the Use of the Person who shall make such Seizure.

And be it further Enacted that if any Person or Persons shall attempt to drive transport or convey over the River Alatamaha, or within Ten Miles thereof

thereof, or the Branches thereof (without License from the Governour or Commander in Chief for the Time being first had and obtained in manner as herein after is provided) any Cattle, Horses Sheep Swine, Beef, pork Biscuit, Corn Rice or Flower, or other provisions whatsoever (except as aforesaid) It Shall and may be lawfull for any Constable or other Person as aforesaid to Seise the same & on Conviction of the Offender As aforesaid the Cattle Horses Sheep Swine or other Provisions so Seised shall be and are hereby forfeited & shall and may be disposed of in like manner as herein before directed Provided always that any Cattle, Horses Sheep or Swine being the property of and belonging to any Person residing or inhabiting within the district of Darian that shall be found within Ten miles of the River Alatamaha, or the Branches thereof, and not being attempted or about to be drove or carried over the said River or the Branches thereof shall not be liable to the said Forfeiture Provided always and be it further Enacted that in case any Person or Persons shall drive transport or convey or cause to be driven transported or conveyed over the River Alatamaha or the Branches thereof any Cattle horses, Sheep Swine Beef, Pork Biscuit, Corn Rice or Flower, or Provisions whatsoever without License as herein after mentioned such person & persons shall forfeit and pay the Sum of two hundred pounds Sterling the same to be recovered by Information or Action of debt in the General Court of this province upon due proof of the Offence by two or more creditable Witnesses the same

That any person attempting to convey any Cattle &ca. over the Alatamaha, or within 10 miles of its Branches without Licence from the Commander in Chief, the same may be seized & on Conviction as aforesaid to be forfeited & disposed on as before directed.

Proviso.

That any person conveying over the river Alatamaha any Cattle &ca. without Licence as aforesaid shall forfeit £200 to be recovered by Action of Debt in the Gen Court to be brt. in three Months after Offence committed the forfeiture to be applied as before directed. In case of no Effects to satisfy such forfeiture, Offender to suffer twelve Months imprisonment. One Justice on application made may grant Licence for conveying Cattle &ca. to the Southward of Ogechee River or any other parts of the province, on

such persons Entering into Bond with one surety in double the Value of the Cattle &ca. that such Cattle &ca. shall not be Conveyed over the Alatamaha River.

same to be brought & commenced within three Months after the Offence committed. And in case the Offender or Offenders shall not have Effects to Satisfy such Forfeiture He or they shall suffer twelve Months imprisonment, such Forfeiture to be applied in like manner as before by this Act directed.

And for the better carrying into Execution the Purposes by this Act intended Be it further Enacted by the Authority aforesaid that any one or more Justice or Justices of the peace of this province or of any district thereof shall & is and are hereby required on Application to them made by any person or persons who shall or may have occasion to drive transport carry or convey any Cattle Horses Sheep or Swine or any Beef, Pork Biscuit Corn Rice, or Flower, or other Provisions to the Southward of the River Ogechee either by land or Water or to any other parts of this province to grant unto such Person or persons so requiring the same License and permission under his hand & Seal or their hands and Seals for the driving transporting & conveying such Cattle, Horses, Sheep Swine Beef Pork Biscuit Corn Rice Flower or other Provisions the Particulars whereof shall be incerted in such License And such Justice or Justices before the Granting thereof shall & is and are hereby required to take Bond from the Person or Persons requiring such License (with one Surety known to reside in the Province and of Ability to Answer the penalty) in double the value of the Cattle, Horses, Sheep or other Things specified in such License for the due Compliance therewith, & that the Cattle Horses, Sheep or other Things

For preventing the Enemy From Being Supplied With Provisions.

Things contained in such License shall not be driven transported carried or conveyed by land or Water to the Southward of the River Alatamaha or the Branches thereof or beyond and without the limits of this province And such Justice or Justices shall & may take & receive the Sum of one Shilling & Six pence for such Bond & License & no more Provided that any Action or Suit to be commenced or prosecuted upon any such Bond for Breach & Forfeiture of the Condition thereof shall be commenced & prosecuted within three Months after such Breach & Forfeiture committed Provided always and be it further Enacted by the Authority aforesaid, that no person or persons whatsoever shall drive transport carry or convey by land or Water any Cattle, Horses Sheep Swine Beef Pork, Biscuit Corn Rice Flower or other Provisions whatsoever beyond and without the Confines & Limits of this Province, or within ten Miles of the River Alatamaha or the Branches thereof (except as before excepted) without leave and permission for so doing first had and obtained from his honour the Governour or the Commander in Chief for the Time being, The same to be granted only on Security to be given in like manner as required by his Majesty's Royal proclamation of the fifth day of February last past for laying an Embargo upon all Ships & Vessels clearing out with provisions from this Province In default and Failure whereof the same shall and is & are hereby made liable to be seised and forfeited as aforesaid.

One Shilling & Sixpence to be paid for such Bond & License.

Proviso.

Any person henceforth Conveying Cattle &ca. out of the Limits of this province, within 10 Miles of the Alatamaha, without permission from the Commander in Chief on Security to be given agreeable to his Majestys proclamation of 5th Febry last such Cattle &ca. to be forfeited.

And be it further Enacted by the authority aforesaid

This Act to Continue in force Six Months and no longer.

said that this Act shall continue and be in force for the Term of Six Months and no longer.

DAV^{D}. MONTAIGUT Speaker.

By order of the upper House

JAMES HABERSHAM

Assented to 19th July 1757.

HENRY ELLIS

A true Copy taken from the Original exam^{d} ℔

JAMES HABERSHAM Sec^{y}.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For the Security and Defence of the Province of Georgia by Erecting Forts in the Several Parts thereof & for appointing Commissioners to carry the same into Execution.

Preamble.

Whereas the exposed & defenceless State of this Province makes it absolutely necessary for the immediate preservation thereof to construct & build in proper Situations such log Forts as may contribute in this Time of Alarm and Danger to the Safety of the Inhabitants by Affording them Places of retreat upon

upon any sudden Emergency until Succour could arrive We therefore humbly pray your most Sacred Majesty that it may be Enacted And be it Enacted by his Honour Henry Ellis Esquire Lieutenant Governor and Commander in Chief of this his Majestys said Province of Georgia by & with the Advice and Consent of his Majestys honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That the Commissioners herein after named and appointed shall be and they are hereby authorized and impowered to construct and build log Forts in the several Districts and divisions herein after mentioned in such places thereof & in such manner as the several & respective Commissioners for the same or the major part of them shall think most proper & convenient for the safety and defence of the Inhabitants of such districts and divisions And that all & every the male Inhabitants as are now liable by Act of the General Assembly of this province to work on the public roads shall & are hereby obliged and made liable to work & labour upon such forts as shall be planned & laid out by the Commissioners of the respective Districts and Divisions for such time and so long as they the said Commissioners shall direct and appoint not exceeding twelve days or in default thereof shall forfeit and pay a Sum not exceeding two Shillings ℔ diem for every such Male person who shall neglect or refuse to work as aforesaid (Cases of sickness only excepted) And be it further Enacted that in case of any default or refusal of any Person liable to

Enacted.

That the Commissioners herein after named be impowered to Construct & build Log Forts and

All Persons lyable to work on the public Roads to labour upon such Forts not exceeding 12 days or in default to pay not exceeding 2s. ℔ diem Each.

The Commissioners or the Major part of them to issue a warrant directed to a Constable to levy the Forfeiture on Persons lyable & refusing to work.

to work upon the said Forts as aforesaid it shall & may be lawful for the Commissioners of the respective District or division where the Person so making default or refusing to work shall reside or the Major part of them & they are hereby impowered to issue a Warrant under their hands & Seals directed to any Constable of the said district to levy such Forfeiture on the Goods & Chattels of the person making default if a White person and if a Slave then on the goods and Chattels of the Master or Owner of such Slave by distress and Sale thereof rendering the Overplus if any there be to such White person or Owner after deducting the Charge of levying such Forfeiture which shall be applyed to the use of the Fort hereby appointed to be erected in such District or division where the default shall happen.

Persons liable to work as aforesaid obliged to labour on such Forts as shall be planned and designed by the respective Commissioners hereinafter named.

And be it further Enacted by the authority Aforesaid that all & every person & persons so liable to work as aforesaid residing & inhabiting within the Several districts and Divisions of the said province herein after mentioned shall & are hereby obliged and made liable to work & labour in the erecting & building such Forts as shall be planned and designed by the several and respective Commissioners thereof as aforesaid And that the several persons hereafter named shall be & are hereby nominated & appointed Commissioners for putting this Act in Execution and constructing & erecting Forts in the said Several Districts & Divisions agreeable to the intention of this Act, that is to Say, for the Town & District of Savannah & as far westward as Abercorn Creek Southward as Great Ogechee River and

Commissioners for the Town & District of Savannah.

and East as the Sea including the Islands as far South as Ossaba Inlet the Honourable Sir Patrick Houstoun Baronet, James Habersham, Francis Harris, Jonathan Bryan, James Edward Powell, William Clifton, William Knox and Noble Jones Esquires and David Montaigut, James de Veaux Joseph Ottolenghe, Phillip Delegal, John Barnard and Noble Wimberly Jones Esquires For the district of Augusta including the Inhabitants of Halifax and Bryer Creek as far as the Beaver dam Creek and the further most Settlements above Augusta Lieutenant White Outerbridge, John Fitch Edward Barnard, John Rae, David Douglass, Lachlan McGilliway, Martin Campbell Esquires & Messieurs Dougel Campbell, John Williams John Spencer and William Sluthers for the district of Ebenezer including the Inhabitants between Abercorn Creek and Beaver dam Creek William Ewen William De Brahm, Robert Hudson, John Thomas, Ludowick Meyers, John Flerl Theobald Keifer Esquires For the district of Great Ogechee including the Inhabitants residing on the South side of Great Ogechee River as far Southward as M^r. Donnoms Swamp and the Sea Islands on the front the Honourable James Mackay Esquire Joseph Butler Elisha Butler William Butler James Maxwell Esquires, Joseph Butler Junior, John Harn, Charles West and John Jagger For the district of Medway extending from M^r. Donnoms Swamp on the North side Medway River as far South as M^r. Hastings North line near South Newport including the Sea Islands on the front Mark Carr, Grey Elliott, Audley Maxwell, John

Commissioners for the Town & District of Augusta.

Commissioners for the District of Ebenezer.

Commissioners for the District of Great Ogechee.

Commissioners for the District of Medway.

Commissioners for the District of Darian.

John Stevens Esquires John Stewart Senior, John Winn, John Lupton, John Graves, and Captain Kenneth Bailey For the district of Darien extending from the most Southern Swamp of the North Branch of Newport river to the river Alatamaha & Eastward to the Sea Captain John Mackintosh M, Daniel Clark, Roderick Mackintosh, Alexander McDonald and Angus Clark Provided nevertheless,

Proviso.

and it is hereby Enacted that his Honour Henry Ellis Esquire shall & may from time to time give such Orders and directions as he shall think proper to the Several Commissioners herein before appointed for the Town & district of Savannah for planning and erecting the Fort there intended to which all & every the said Commissioners shall & are hereby required to pay Obedience.

Commissioners for the Town & district of Savannah to obey such orders as His Honour Henry Ellis Espr. shall think proper to give them in the planning & Erecting the Fort intended to be built there.

Commissioners to meet within 12 days from the passing this Act within their respective Districts to fix upon a Place for the Erecting a Fort, who are to begin the same within 20 days after such Meeting, & to summon the Persons liable to work thereon.

And be it further Enacted by the authority aforesaid that the said Several Commissioners shall & are hereby directed to Assemble & meet together respectively within Twelve days at farthest after the passing this Act at same convenient place within their several & respective districts and divisions and then & there do and shall allott & fix upon such place in their respective divisions as they or the major part of the Commissioners for the same there present shall think proper and most convenient for the erecting a Fort according to the intention of this Act & having chosen and agreed upon the same that they the said Several & respective Commissioners do & shall forthwith proceed to the planning & designing of the Fort to be erected thereon And for the speedy building the same the said respective

Commissioners

Commissioners or the major part of them shall thereupon agree upon and appoint some certain day for the beginning such Fort within Twenty days after such meeting and shall accordingly Summon and call together for this purpose all the Several Persons within their Several and respective districts liable and obliged by this Act to work & labour for the building thereof as aforesaid And be it further Enacted by the Authority aforesaid that the said respective Commissioners shall & are hereby directed & impowered to appoint one or more Person or Persons in their respective divisions to Summon and give Notice to all persons residing therein liable to the said Service that they attend the same accordingly on such Days as the said Commissioners shall appoint who shall accordingly Summon and give notice to all and every person & persons within his or their respective districts liable as aforesaid and all Persons liable as aforesaid are hereby required to render a just and true Account and give in the Names of all Male Slaves liable as aforesaid belonging to them or under their Care to the Person or Persons appointed to Summon as aforesaid under the penalty of Ten Shillings on failure thereof and the Person or Persons appointed to Summon as aforesaid shall for his or their trouble in Summoning the Several persons as aforesaid be freed and exempted from working upon such Forts & such Person or Persons appointed as aforesaid shall be obliged to return a list of the Names of all white persons by him or them Summoned and also a List of the Names of all Male Slaves liable as aforesaid belonging

Commissioners to appoint Persons to summon all those liable to work, who are to render an Account of the Names of all their Male Slaves to the persons summoning on Penalty.

Persons appointed to summon shall for their Trouble, be exempt from working, & to return a List of all Male White Persons & Slaves liable to work to the Commissioners, who appointed them on Penalty.

belonging to such Persons or under their Care to the Commissioners appointing him or them and in case of any Neglect or default in not Summoning & giving Notice to any Person or Persons and returning Lists as before directed he or they shall for every such neglect or default forfeit and pay a Sum not exceeding five shillings to be levied by distress and Sale of the defaulters Goods by Warrants under the Hands & Seals of the said Commissioners or the major part of them of such division such forfeiture to be applyed as herein before directed for such as shall refuse or neglect to work on the Forts And be it further Enacted by the Authority aforesaid that for the better & more expeditiously building and carrying on the said Several Forts the said several and respective Commissioners shall & are hereby required & impowered to appoint such & so many persons as they or the Major part of them shall think fit and necessary to superintend and oversee the several Workmen & Labourers in their respective divisions & such Overseers are hereby impowered moderately to correct and punish all such Slaves imployed on the said forts as shall be negligent in their duty or Service. And in case any white person employed as aforesaid shall neglect to work or refuse to do his duty on the said Forts then the Overseers of the district where this shall happen shall make return thereof and of the Persons Name so neglecting unto the Commissioners of such district who shall & may fine such person in such Sum as they shall think fit not exceeding the Sum of two shillings ℔ diem for every Omission and the said Several & respective Overseers so to be

Overseers to be appointed, who are to correct Slaves neglecting their Duty, & if white Persons, to return a List of such to the Commissioners, who may fine them, not exceeding 2s ℔ diem for every Omission & Overseers neglecting their Duty to be fined 5s.

be appointed as Aforesaid neglecting or refusing to do his or their duty shall forfeit the Sum of five Shillings to be levied and applyed as in this Act is before provided And be it further Enacted that if any of the said Several and respective Commissioners herein before appointed shall neglect or refuse to perform his part or Duty in the Execution of this Act such Commissioners shall forfeit and pay the Sum of Forty shillings upon due proof thereof before the major part of the Commissioners of the division where such Commissioner shall make default who Shall & may issue their Warrant for levying the same accordingly the same to be applyed as before directed And be it further Enacted by the Authority aforesaid that in case by death absence or any other accident there should not be a sufficient number of Commissioners in any or either of the said districts for carrying into Execution this Act that then the major part of the Commissioners of Such district where such vacancy shall happen with the approbation of the Governor nominate & appoint such other Commissioners in the room of those dying or being absent as shall be necessary for the furthering & perfecting the work intended by this Act which Commissioners so appointed shall have the same power and authority, and be Subject to the same penalties in case of default as the Commissioners so by this Act before appointed Provided Always and it is hereby Enacted by the authority aforesaid that all & every Person & persons who by this Act are liable and obliged to work and Assist in building the said Forts shall not be liable or obliged to labour or work during this present year

Commissioners refusing or neglecting to perform their Part of their Duty to pay 40s on due Proof before the Major Part of the Commissioners.

In Case of the Death &c of Commissioners, the Major Part of the Commissioners in the District, where such Death &c may happen, to nominate, with the Approbation of the Governors other Commissioners, who are to have the same Power &c as the Commissioners appointed by this Act.

on

Persons liable to work on Forts, not liable to work on Roads this present year, except where the Work on Forts does not require the whole 12 days, then to work the Remainder on the public Roads.

on the high Roads according to the before mentioned Act of Assembly except where any Fort does not require the whole twelve days, then the remainder shall be appropriated towards making passable such parts of the high Roads as may be absolutely necessary to be done for a quick Communication through the province any thing therein contained to the contrary thereof in any wise notwithstanding And be it further Enacted by the authority aforesaid that for the providing and collecting fit Materials for the building the said Forts it shall & may be lawfull to and for the said Commissioners of the said several & respective districts or the major part of them to order and cause to be cut down taken & carried away any Trees Timber Logs or Bushes standing growing or being in & upon any land plantation or Settlement whatsoever without the leave consent or hindrance of the Owner thereof or of any other Person or Persons whomsoever Provided nevertheless that it shall & may be lawful for the said Commissioners of each district to appoint one discreet Freeholder & the Owner of the land whereon such Trees shall be cut for the building the said Forts to choose another Freeholder to appraise & value the Timber so taken & in case such two Freeholders as aforesaid shall not agree that then they shall choose an Umpire whose umpriage shall be final and the Commissioners aforesaid are hereby directed & impowered to pay the same out of the Fines arising by the defaulters within their several and respective districts And in case the said Fines shall not be sufficient to pay the valuation of the

Commissioners empowered to order Timber &c to be cut down & carried away without Leave of the Owner of the Land, & the Commissioners & the Owner of the Land to appoint each a Freeholder to Value the Timber so taken, to be paid out of the Fines of Defaulters, & if not sufficient to to be certifyed to the Public Treasurer for payment.

the aforesaid Timber to the Owner thereof that then the same shall be certifyed by the Commissioners & transmitted to the Public Treasurer to be paid by him out of the Tax for the next ensuing year And be it further Enacted by the Authority aforesaid that a Tax of one Shilling a Head shall be levied in Six Weeks from the passing this Act on all the male white Inhabitants & all the male Slaves liable to do duty on the public Roads within this province the said Tax to be collected by the Commissioners of the several and respective Districts before mentioned & to be recovered by them in like manner as Fines and Forfeitures are directed to be recovered in and by the last General Tax Act and to be Appropriated by them towards the defraying the expense of building the Fort at Savannah.

One Shilling ℔ Head to be levied on all Persons liable to work on the Public Roads, to be collected by the Commissioners in Each District within 6 Weeks, & appropriated towards building a Fort at Savannah.

DAV^{D}. MONTAIGUT Speaker.

By order of the Upper House

JAMES HABERSHAM

Assented to 19th July 1757.

HENRY ELLIS.

A true copy taken from the original examined ℔

JAMES HABERSHAM Sec^{y}.

From

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For establishing a Watch in the Town of Savannah.

Preamble.

Whereas the safety of this Town of Savannah next to the divine Protection chiefly depends on the Care & Vigilence of the Inhabitants thereof We therefore humbly Pray your most Sacred Majesty that it may Enacted And be it Enacted by His Honour Henry Ellis Esquire Lieutenant Governor & Commander in Chief of this his Majestys Province of Georgia by and with the Advice & Consent of his Majestys honourable Council and the Commons house of Assembly of the said Province in general Assembly met and by the Authority of the same, that from & immediately after the passing of this Act all & every the Male Inhabitants from the Age of Sixteen to Sixty years residing within the Limits of the Town of Savannah who have resided therein for the space of Two Months past shall and are hereby obliged & made liable to do Watch duty And be it Enacted by the Authority aforesaid that a Watch consisting of not less than five nor more than ten Men including the Officer, as the Superintendants herein after mentioned shall think fit, shall constantly keep Watch & Ward in the said Town on every night throughout the year, That is to Say from the twenty ninth of September to the twenty fifth day of March from Eight O'clock in the Evening 'till Sun rise & from the twenty fifth day of March to the twenty ninth day of September from nine

Enacted.

That all Male Inhabitants from the Age of 16 to 60 years within the limits of Savannah do watch duty.

Not less than 5 nor more than 10 Men including the Officer (as the Superintendants shall think proper) to watch & ward every night.

The watch do go their rounds not less than 3 Times every night.

nine of the clock in the Evening until Sun Rise as aforesaid and the Commander of the said night Watch respectively shall order out on their Rounds not less than three times every night so many of the said Watch as he shall think proper who in their rounds shall visit & go through all the Streets, Lanes & Alleys in the said Town & shall in their doing & performing the same take different routs and ways both in their going forth & return to the place of main Guard or Rendezvous & shall on every round visit the public Magazine of Gun powder belonging to the said Town And Whereas it may prove of dangerous Consequence to the Peace and Security of the said Town to suffer Negroes and other Slaves to be lurking and caballing about the Streets of the said Town after night, for preventing whereof & that all negroes & other Slaves who go abroad may be known Be it Enacted by the authority aforesaid that if any Negroes or other Slaves shall after the hour of ten O'clock be found in any of the Streets, Lanes, Alleys or other places in Savannah without a Ticket from his or their Master Owner or Overseer it shall & may be lawfull for the said Watch aforesaid to whip such Negroe or other Slave as is directed in and by the Negroe Law of this province made & provided And be it further Enacted by the Authority aforesaid That Noble Wimberly Jones William Ewen, Thomas Burrington, William Russell, William Spencer, John Morel, Thomas Rasberry, Robert Bolton, John Graham, and Richard Milledge be & they are hereby nominated & appointed Superintendants of the said Watch in the

Slaves found abroad after 10 O'clock at night without a Ticket to be punished as the Negroe law directs.

Superintendants named and appointed, any 3 of whom, may fine the Officers or Watchmen neglecting their duty, the former not exceeding 5s. and the latter 2s/6d.

the Town of Savannah aforesaid. And the said Superintendants or any of them are hereby authorized & impowered to Superintend inspect & see that the said Officers & Watchmen respectively do and perform their several Duties & Services required by this Act & in case it shall appear to the said Superintendants or Any three of them that the said Officers and Watchmen or any of them are remiss or negligent in the performance of all or any the Matters or Things required in & by this Act it shall and may be lawful to and for the said Superintendants or any three of them to fine the said Officers not exceeding five Shillings & Watchmen not exceeding Two Shillings & Six pence for every such neglect or misbehaviour And be it Enacted by the Authority aforesaid that it shall & may be lawful for the Superintendants aforesaid to make out lists of all the Male persons lyable to do Watch duty within the limits of Savannah Aforesaid & to mark off an equal number not less than five nor more than ten persons including the Officer on each list to serve by turns, & to appoint for each Nights Watch one proper & discreet Man to command respectively each Watch for the night And such Persons being once Well regulated & inrolled on a List shall be the standing Watch Guard throughout every night in the year and in case any Person neglect to perform the Watch duty or find a Person in their place or Stead the Commander of such night Watch shall make return thereof the next Morning to any one of the Superintendants aforesaid who shall give Notice to two other of the Superintendants aforesaid to assemble & meet together there to proceed in the Examination

Superintendants to make out lists of persons lyable to Watch, who are to serve by Turns, and to appoint a Commander for each night.

Commander of the night to make return of persons neglecting to do duty, to the Superintendants who may fine each Defaulter not exceeding 5s.

amination of the Cause of such Defaulters neglect who as the Case may appear to them shall fine the person so making Default in any Sum not exceeding five Shillings to be recovered by Warrant under the Hand & Seal of one or more of any of the Superintendants aforesaid & the Superintendants who are to appoint the Number of each night Watch shall keep a separate Book for that purpose wherein every Watch (but not more than one out of a family to be put on a list at one Time) who are to do Duty as aforesaid shall be inrolled so that every Officer and Man may always have a list of his Watch Guard and in case any Person who shall be appointed to command the Night Watch as aforesaid shall at any time refuse or neglect to do & perform Watch duty and to see it done by those under his Command for every such Offense (cases of Sickness excepted) he shall pay five shillings Sterling to be laid out for defraying the charges of Fire & Candles for the said Watch and in case of his Sickness he shall appoint one of the persons under his Command to Command in his Stead & in case any of the persons so inrolled to do Watch duty shall refuse or neglect to appear or find a sufficient person well accoutred as is required in and by the Militia Act of this Province at the place of Rendezvous at the Hours Aforesaid such persons for every such Offence shall pay two shillings Sterling to be applyed to the use aforesaid All which Fines and Forfeitures to be recovered by Warrant of Distress under the Hand & Seal of one or more of the Superintendants aforesaid & the said Superintendants & every of them are hereby ordered

Superintendants to inroll the names of persons appointed to do duty every night in a Book for that purpose, that each Officer & Man may have a List of his Watch Guard.

&

Superintendants to make Report to the Commander in Chief when required, and neglecting their duty to forfeit 40s., to be recovered by Warrant of a Justice.

& directed to make Report to the Commander in Chief for the Time being when thereunto required And in Case of neglect or refusal of any or either of the said Superintendants hereby appointed to perform the duty by this Act directed such Superintendant shall forfeit & pay the Sum of forty shillings Sterling to be levied by distress & Sale of the Offenders Goods by Warrant from one or more Justice or Justices of the peace who on due proof of the Offence is hereby required to issue the same accordingly the said Forfeitures to be applyed as herein before directed Provided Always and be it further Enacted that in case any of the Superintendants aforesaid shall happen to die, depart this Province or refuse to Act, then it shall and may be lawfull for his Honour the Lieutenant Governor or Commander in Chief for the time being to Nominate and appoint another Superintendant or Superintendants in the place & Stead of him or them so dying, departing this Province, or refusing to Act which said Superintendant or Superintendants so to be appointed shall have the same powers & authorities as the said Superintendants before by this Act appointed And be it further Enacted by the Authority Aforesaid That the Superintendants aforesaid or the Major part of them are hereby authorized & impowered to build a Guard house on the Bluff of Savannah at or near the place where the former Guard house stood of the following dimention that is to say a house twenty eight by Sixteen feet posts in the Ground well planked & a Brick chimney with one fire place with a shed ten feet wide round the House & appartments

The Commander in Chief to appoint Superintendants in the room of any, who may die, depart this province or refuse to Act.

Superintendants impowered to build a Guard house of the dimentions directed by this Act, & the Expence to be paid (by order of the Governor & Council) out of the Monies arising from Licences granted to Taverns & punch house keepers.

ments Suitable for to contain prisoners & for other purposes intended by this Act And the said Superintendants for the building & furnishing Materials for the same shall certify the Expense thereof to the Governor & Council, who shall give orders on the public Treasurer of this Province to be paid by him out of the monies arising from the Licenses Granted to Tavern and punch house keepers And be it further Enacted by the Authority aforesaid that this Law shall continue & be of force during the space of two years from the passing hereof & from thence to the end of the next Sessions of the General Assembly & no longer.

Continuance of this Act.

Dav[d] Montaigut Speaker.

By order of the Upper House

James Habersham.

19[th] July 1757.

Assented to

Henry Ellis

A true Copy taken from the Original Examined ℔

James Habersham Sec[y].

From

For Regulating Taverns.

(From B. P. R. O.—B. of T., Georgia.

AN ACT

For regulating Taverns and punch houses and Retailers of Spirituous Liquors

Preamble.

Whereas the Measures hitherto taken to prevent unfit Persons from obtaining Licenses to keep Taverns Punch houses and retailing of strong Liquors, have proved ineffectual and the increase of tipling houses are become hurtful and prejudicial to the common good & welfare of this his Majestys Province, but more especially the little tipling

Enacted.

houses, which Are for the most part haunts for lewd idle & disorderly people, runaway Sailors Servants and Slaves: For a Remedy whereof, We humbly pray your most Sacred Majesty that it may be Enacted And be it Enacted by His Honour Henry Ellis Esquire Lieutenant Governor & Commander in Chief of the Province of Georgia by & with the advice & Consent of the honourable Council & Commons House of Assembly of the said Province in General Assembly met & by the authority of the same, that no person from and after the second Tuesday in October next shall sell any Wine Cyder Beer Brandy Rum Punch or other strong drink whatsoever in less Quantity than three Gallons at one time & to one person until he she or they shall have first obtained a License from his Majesty's Treasurer hereafter authorized to grant the same, for selling the aforesaid Liquors, under the quantity aforesaid, under the forfeiture & penalty of three pounds

That any person after the second Tuesday in October next selling any strong drink, in less quantity than three Gallons to one person, without Licence obtained for that purpose shall forfeit 3 £ stg. to be recovered as directed by the Laws of England in like cases.

pounds for every time he, she or they shall Sell any Quantity less than three Gallons as aforesaid to be levied and recovered by the Warrant of any one or more Justices of the peace in the same manner as directed by the laws of England in cases of this nature, and the half of the forfeiture shall be for the Informer and the other half as hereafter appointed And be it further Enacted by the Authority aforesaid, that every Person who shall keep a Tavern or punch house, or shall Sell or retail any strong liquor whatsoever under the quantity of three Gallons shall pay for every License which shall be obtained pursuant to the direction of this Act the several Sums or Rates following (that is to say) every Person living within the Limits of the Town & Township of Savannah who shall obtain a License to keep a Tavern, punch house or Victualling house or to Sell or retail any Strong liquor whatsoever in less quantity than three Gallons shall pay the Sum of Three pounds Sterling every person living within the town & district of Augusta and Town and Township of Ebenezer who shall obtain a License to keep a Tavern Punch house or victualling house or to sell or retail any strong Liquor whatsoever in less quantity than three Gallons shall pay the Sum of Forty Shillings and every Person who shall obtain a Licence to keep a Tavern punch house or victualling house or to Sell or retail any Strong liquor whatsoever in less quantity than three Gallons in any part of this province out of the Limits of the aforesaid Towns, shall pay the Sum of Twenty Shillings Sterling all which said License shall continue

That every person keeping a Tavern or retailing Liquor in less quantity than aforementioned shall pay for a Licence to impower him so to do the several Sums particularly mentioned, vizt. if in Savannah 3 £ if in Augusta or Ebenezer 40s. and if in any other part of the province 20s.

Such Licence to continue in force for one year.

tinue in force but for one year only, and at the Expiration thereof shall and may be renewed under the Restrictions herein after mentioned at the Direction of the Justices to whom application shall be made for the same, and the Several Sums hereby directed to be paid at the taking out or renewal of every such Licence, shall be for the use of his Majesty to be applyed to the Fortifications And be it further Enacted by the authority aforesaid that the Justices of the peace of the several & respective Districts of the said province (except the District of Savannah) or any two of them, and the Justices of the peace for the districts of Savannah or any five of them shall and are hereby required at the respective Courts of Requests to be held for their Several and respective Districts next after the Second Thursday in October next and so yearly during the continuance of this Act to inquire into the fitness and qualifications of such person and persons as shall or may apply for Licences According to the Intention of this Act & shall then & there grant a Certificate under their hands & Seals to every such person as they shall think fit & proper to obtain a Licence as aforesaid directed to his Majestys Treasurer for this Province, who is hereby impowered to grant such License accordingly Provided always that no Licence shall be granted to any Persons whatsoever without Certificates as aforesaid of his her or their being qualifyed to obtain the same and in Case the said Treasurer shall grant a Licence to any Person not qualified contrary to the intention of this Act he shall for every such Licence forfeit and pay the sum of

That the Justices of the respective districts do at the Courts inquire of the fitness of persons applying for Licences & Grant Certificates to such as they shall judge proper directed to his Majesty's Treasurer.

No Licence to be granted without such Certificates.

of five Pounds And be it further Enacted by the authority aforesaid, that in the Body of every Order or Certificate from the said Justices of the Peace for granting a Licence, and in the Licence it Self the Street, Lane, Alley Road Bridge Ferry Village Town or other place where the Tavern or punch house is to be kept, shall be particularly mentioned and specified, otherwise such Order & Licence shall be deemed as void and of none Effect. And be it further Enacted by the authority aforesaid that if any Person or Persons, other than such as shall be hereafter allowed by the said Justices at the time & manner aforesaid, shall at any time from & after the second Tuesday in October next obstinately and upon his own Authority take upon him, her or them the selling (without such Licence as aforesaid) of Wine Cider Beer Brandy Rum punch or any strong drink or other Spirituous Liquors whatsoever, under the quantity of three Gallons, shall forfeit the Sum of Twenty Shillings upon Conviction thereof at the Court of Oyer and Terminer, & shall be bound over to the said Court, upon Information thereof given upon the Oath of one Creditable Witness to any Justice of the Peace for the District where the Offence shall be committed Provided always and be it further Enacted by the authority aforesaid, That nothing in this Act contained, shall be construed to extend to give any Power to the said Justices, to order his Majesty's Treasurer to grant any such Licence to any Person who hath been bred to, & hath heretofore used the Trade of a Carpenter, Joiner, Bricklayer, plaisterer Shipwright, Wheelwright

Certificate and Licence shall both specify the place where the Tavern is to be kept or the same to be void.

That any person retailing Liquor, contrary to this Act without License shall shall forfeit 20s. &c—

The Justices not impowpowered to order the Treasurer to grant Licence to any Tradesmen, therein mentioned, capable of maintaining their families by their Occupations.

wright, Silver or Gold Smith, Shoemaker, Smith, Tailor, Tanner, Cabinet maker or Cooper and shall at the time of his or their application for such order, be able & capable, by his or their honest Labour & Industry, of getting a livelyhood, and maintaining himself & Family, by exercising any of the Trades aforesaid, It being the true Intent & meaning of this Act, that no such Tradesman shall from & after the passing of this Act, keep any common Tavern, punch house, Tipling house or commonly sell Wine Cyder, Beer Brandy Rum, Punch, strong drink or other spirituous Liquors whatsoever, And that in case they so do they shall be deemed as Persons obstinately, and upon their own authority taking upon themselves to keep common Taverns, punch houses or tipling houses as aforesaid And for preventing suppressing & punishing of such Vices as are commonly practised in such public houses Be it Enacted by the authority aforesaid, that any Justice or Justices of the Peace shall have power, and are hereby impowered, to put in Execution all Laws both Statute & Common, of the kingdom of Great Britain, which have been provided & are now in force, for or concerning the Abuses or disorders of Taverns, Ale houses, Victualling houses & Retailers of any sorts of Liquor whatsoever, and the Owners or Masters thereof, and all Persons which contrary to the said Laws do haunt & frequent the same as fully and effectually to all Intents and Purposes, as the same ought or could be within the kingdom aforesaid, and every person who shall offend contrary to the said Laws, or any of them, are declared to

Such Tradesmen disqualifyed to keep Tavern.

The Justices impowered to put in Execution, all Laws of Great Britain, now in force for regulating abuses and disorders of Taverns &ca the Masters thereof & persons frequenting the same.

to be and are hereby made liable to the same forfeitures and penalties to be levied and inflicted as the same is accustomed & appointed in the kingdom of Great Britain And be it further Enacted by the Authority aforesaid, that every Person at the time of their receiving the Licence or before, shall enter into a Recognizance to his Majestys Treasurer which shall be by Him taken, as usual in these Cases, with two sufficient Securities each to be bound in ten pounds, and the person to whom the Licence is, or to be granted, in Twenty pounds that he will fulfil the usual Conditions required to be performed by this Act as likewise that he will not sell any strong liquors whatever to Indians nor yet to Negroes, without producing first their Owner or Overseers leave in writing for so doing And be it further Enacted by the authority aforesaid that if any Person not having a Licence who shall sell to the Indians rum or other strong Liquors shall forfeit the Sum of five pounds to be levied by a Warrant of distress under the hand & Seal of one of the Justices of the peace, and if such a levy cannot be obtained on the Goods of the Offender he she or they so offending shall suffer not exceeding one months imprisonment And be it further Enacted by the authority Aforesaid, that it shall & may be lawful for the Justices to receive for each Certificate which shall be granted the Sum of one Shilling and no more and his Majestys Treasurer who shall grant such Licences, shall receive the Sum of five Shillings sterling for writing the Bond & Licence aforesaid, & for keeping the same fairly Entered in a Book to be kept for that purpose, and no person Except the said Justice &

persons obtaining Licence to Enter into Recognizance with two Suretys for fulfilling the usual Conditions, & that they will not sell liquor to Indians or Negroes without leave in writing.

persons selling rum to Indians without Licence to forfeit £5 or one Months Imprisonment.

Justices to receive for each Certificate 1s/ & Treasurer for Licence & Bond 5s.

& the person authorized to grant such Licences & Bonds, shall claim or demand any Fee or Reward for the same, any Law, Statute or Usage to the contrary in any wise notwithstanding And be it further Enacted by the Authority aforesaid, that the penalties or Forfeitures expressed in this Act shall be appropriated & applied the one half to his Majesty his heirs & Successors for the use & defence of the Province, and the other Moiety to the Party that will Sue for the same by Action of debt, Plaint or Information (if under Ten pounds at the Court of Request, if above Ten pounds at the General Court And be it further Enacted by the Authority aforesaid that this Act shall continue in force for two years from the passing thereof and from thence to the end of the next Session of the General Assembly & no longer.

Forfeitures to be one half to his Majesty for defence of the province, & the other Moiety to person suing for the same.

Continuance of this Act.

Dav[d] Montaigut Speaker.

By order of the upper house

Pat: Houstoun

Assented to 23[rd] July 1757.

Henry Ellis.

A true Copy taken from the original exam[d] ℔

James Habersham Sec[y].

State

For Establishing and Regulating of Patrols.

(State Archives.)

AN ACT

For Establishing and Regulating of Patrols

Preamble

FOR AS MUCH as it is absolutely necessary for the Security of his Majesty's Subjects in this Province, that Patrols should be established under proper Regulations in the settled parts thereof, for the better keeping of Negroes and other Slaves in Order and prevention of any Cabals Insurrections or other Irregularities amongst them WE therefore humbly pray your most sacred Majesty, that it May be Enacted and be it ENACTED by his Honour Henry Ellis Esquire Lieutenant Governor and Commander in Chief of his Majesty's Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly in general Assembly met and by the Authority of the same, that immediately from and after the passing of this Act every Captain or Commanding Officer of a Company of Foot Militia throughout this Province is hereby authorized impowered and required severally and respectively to summon together his inferior Officers, if any such there be, and they shall in Concert subdivide and distinguish his Company District into as many other convenient Patrol Districts, as they shall think most proper and consistent with the extent and situation of their general Company District, and so as the riding over any such Patrol District may not exceed above Twelve Miles in extent which said subdivided District severally

Enacted

That the Captain or Commanding Officer of a Company of Foot Militia shall in Concert with his Inferior Officers subdivide his Company District into Patrol Districts, and the Owners of settled Plantations and other Inhabitants of such Districts shall do Patrol Duty successively.

erally and respectively shall thenceforth be the Patrol Districts unless the same shall be thought necessary to be altered by the Officers as aforesaid, and wherein the Owners of settled Plantations as well as the other Inhabitants of any such subdivided Patrol District as well Alarm Men as others both Foot and Horse shall be subject to the Patrol Duty of that District and shall either by themselves in Person, or by others employed for that purpose do their Patrol Duty regularly and successively according to the true intent and meaning of this Act, and in Case any Captain or Commanding Officer shall omit or fail to subdivide and distinguish his or their Company District in Manner hereinbefore enjoined, that then every such Captain or Commanding Officer so failing shall respectively be subject to and pay the Penalty of Twenty Shillings Sterling to be recovered by Warrant under the Hand and Seal of any Justice of the Peace for the District where the offence shall be committed and be paid to the Commissioners of the high Roads in the Districts where the Offence shall be committed and be by them applyed towards repairing the Bridges and Cause-ways in such Districts respectively, and that the Owners of settled Plantations and also the Inhabitants of every District may the better know to what Patrol District they severally belong the said Captains and Commanding Officers as aforesaid in each Militia District shall draw up and describe in writing their said subdivisions and appointments of such Patrol Districts and shall within ten Days after they make the same Cause signed Coppys thereof to be fixed

Any Captain or Commanding Officer failing to subdivide his Company District to pay 20s. to be applyed towards repairing the Bridges and Causeways within such Districts—

Captains to publish in writing their subdivisions of Patrol Districts, and cause a Copy thereof to be entered by the Clerks of their Companys respectively

up

up at the Church and Meeting-House Doors or other public Places in their several Districts and shall Cause another Copy thereof to be entered in a Book by the Clerk of each Company respectively, that any Person may from time to time have recourse to the same And forasmuchas all Persons as well Women as Men who are or shall be Owners of settled Plantations in any District ought to contribute to the Service and Security of that District where their Interest lays whether such Persons be residing there or not BE IT THEREFORE FURTHER ENACTED by the Authority aforesaid that the Captains or Commanding Officers of each Company of Foot Militia shall in their several Districts make out and keep from time to time a special Patrol List for every subdivided and distinct Patrol District in which List shall be inserted the Names of all Owners of Settled Plantations lying therein as well Women as Men and as well alarm Men as others whether they reside there or not as also the Names of all the Male White Persons there inhabiting PROVIDED that the Masters of all Overseers, and white Male Servants who by this Act are obliged to do Patrol Service, shall be obliged to furnish the said Overseers and Servants with a Horse and furniture for such Service PROVIDED ALSO that every Person having settled Plantations in this Province on which white Overseers shall be severally and constantly employed shall not be subject or obliged to do Patrol Service in those Districts where such Plantations lay on which white Overseers are employed as aforesaid other than in such in which he

Commanding Officer of each Company to make out Patrol Lists for each subdivided District, to contain the Names of Owners of Plantations, whether Men or Women, and also all other white Male Persons inhabiting therein.

Masters to furnish Overseers and white Male Servants with a Horse and furniture for Patrol Service

Proviso

The Commanding Officer every Muster Day to prick of out of the Patrol List not more than 7 Persons to do Patrol Duty, 'till the next Muster Day, and so on every Muster Day successively

he shall actually reside and which Persons Male and Female whose Names shall be so inlisted shall be answerable for the Patrol Service of that District severally, successively and in turns; and on every Muster Day the said Captains or other Commanders of the Foot Militia shall out of every such Patrol List prick of the Names of so many Persons not exceeding seven in Number, as well Women as Men and Absentees Owners or Plantations there as well as residents all the Male Persons of which Lists severally and respectively whose Names shall be so pricked off shall by themselves or others employed and provided for that purpose severally and respectively to do the Patrol Service hereinafter directed for that Muster Day 'till the next ensuing Muster Day when the like Number shall be pricked off in the like Manner by equal turns and so on time after time on every ensuing Muster Day regularly, equally and successively, always choosing the nearest sett of Inhabitants mentioned in the general Patrol List to do Duty together that they may meet and assemble with the more conveniency and expedition, and if any Man or Woman (excepting such Women who hath not three Slaves) Owner of a Settled Plantation in any District to whom it may not be suitable or convenient to do Duty in Person shall fail of having a sufficient Person ready on any Muster Day to answer for and undertake the Patrol Service on his, her or their behalf when their Names shall be so pricked off as aforesaid or shall refuse to perform Patrol Service then and in every such Case the Captain or Commander at that Muster is

Owners of settled Plantations (except Women, who have not 3 Slaves) not having a Person ready to undertake the Patrol Service, when their Names shall be pricked off, or shall refuse to perform it, the Commander at that Muster may agree with any other Person to do it at a certain Price not exceeding 4s a Night, to be paid

to

to agree with any other Person at a certain Price not exceeding four Shillings Sterling a Night to do Duty for him or her so unprovided, or that shall not appear to have a sufficient Person there ready or shall refuse to perform that Service until he or she shall actually procure some other white Person, between the Age of Sixteen and Sixty to do Patrol Duty for them, and the Rate or Price so agreed upon by any such Captain or Commander as aforesaid shall be paid by the Person whose turn of Service shall be so performed to the Person performing the same according to his time of Service, and in Case any Person shall fail to pay or satisfy such other Person, so appointed for him her or them so neglecting the Price so agreed upon by the said Captain or Commander then and in every such Case it shall and may be lawful to and for the said Captain or Commander for the time being who agreed with such Person to levy the same on the Goods and Chattels belonging to the Party so failing by Warrant of Distress for that purpose directed to any Sergeant of that Company or any Constable in which such District lays which Sergeant or Constable shall be allowed one Shilling for serving the Warrant, and at the Rate of two Pence Sterling per Mile outwards only any Law usage or Custom to the Contrary notwithstanding AND BE IT FURTHER ENACTED by the Authority aforesaid that the Captains or Commanders of the several Companys belonging to the Town and District of Savannah shall prick off a Number not exceeding seven Men (who are not Residents of the Town) from

paid by the Defaulter, or on Failure to be recovered by Warrant of Distress

Commanders of the several Companys in the Town and District of Savannah to prick off, not exceeding 7 Men (not residents of the Town) to do Patrol Service in their respective Districts

from the Lists of their Companys respectively including as well Horse as Foot, Alarm Men and others to perform Patrol Service in the District to which they belong beginning with the first Company and so on as is before directed by this Act to be done in other Districts PROVIDED always that nothing in this Act contained shall extend or be construed to extend to subject the Commander in Chief for the time being or any of the Members of His Majesty's Honourable Council or their Clerk or of the Commons House of Assembly or their Clerk the Public Treasurer, the Powder Receiver, Commissary General, nor any Judges of the General Court or Ministers of the Gospels, Custom-House Officers, or other Officers Commissioned by Vertue of His Majestys Sign Manual or the Pilots or Ferry-Men in any part of this Province to serve upon any Patrol Duty in any District whatever, any thing hereinbefore contained to the contrary notwithstanding AND BE IT FURTHER ENACTED by the Authority aforesaid that the Captain or Commanding Officers of every Company shall have Power in their several Districts from time to time to apoint one good and discreet Person from among the Persons so pricked off, to be their Commander as soon as their Names shall be so pricked of as aforesaid and that the Commander of every Patrol may have better Authority to keep them in good Order and demeanor during their time and turn of Duty, it shall and may be lawful for every such Patrol Commander and they are hereby directed and required, on any default or misbehaviour or neglect of Duty of any Patrol Man, to

Persons Excepted

Commanding Officer of each Company to appoint a Person to command each Patrol, who is to fine any Patrol Man making Default in his Duty not exceeding 4s to be applyed to the Use of such Patrol, and to be reserved by Warrant of the Commander of the Company in the District, where the Offence may be committed

to inflict a Fine upon him not exceeding the Sum of four Shillings Sterling for the use of Patrols respectively in which such neglect, default or Misbehaviour shall be committed, to be levied by Distress and Sale of the Offenders Goods, by Virtue of a Warrant for that purpose directed to the Constable of the District or Sergeant of such Company under the Hand and Seal of the Captain or Commander of the Company for that District in whose Company or Patrol such neglect, default or misbehaviour shall happen or be committed, which Constable or Sergeant shall be allowed one Shilling for serving the Warrant and two Pence per Mile Outwards only and every Constable or Sergeant refusing and neglecting to serve such Warrant directed to him shall be liable to a Fine not exceeding the Sum of Ten Shillings and that the said Patrols may be the better able to suppress any mischevious designs of Negroes or other Slaves, during their time of Service IT IS HEREBY FURTHER ENACTED by the Authority aforesaid that every Person appointed or undertaking as a proxy for another, to serve in the said Patrol in pursuance of or by Vertue of this Act, shall provide for himself and keep always in readiness and carry with him on his Patrol Service, one good Gun or Pistol in Order, a Cutlass and a Cartridge Box with at least Six Cartridges, in it, under the Penalty of a Sum not exceeding four Shillings for want of any such Arms or Ammunition at such time and Places as they shall be appointed by their respective Commanders in their several Districts to whose Orders they shall on all occasions be respectively obedient during their time

Every Patrol Man to provide himself with a Gun or Pistol, a Cutlass and a Cartridge Box with at least 6 Cartridges on Penalty of 4s/

time of Service on pain of incuring the fine not exceeding four Shillings herein before mentioned

Power and Duty of the Patrol

AND BE IT FURTHER ENACTED by the Authority aforesaid that every Patrol shall go to, and examine the several Plantations in their District as they in their discretion shall see fit so that they be obliged to do Patrol Service one Night in fourteen at least and which shall be performed in such manner so as to visit every Plantation within their respective District once in every Month and may take up all Slaves which they shall see without the Fences or cleared Ground of their Owners Plantations, who have not a Ticket or Letter or other Token to shew the reasonableness of their Absence or who have not some white Person in Company to give an Account, of his her or their business; and such Patrol may correct every such Slave or Slaves by whiping with a Switch, Whip or Cow-Skin, not exceeding Twenty Lashes; PROVIDED that no Patrol Man shall

Proviso

beat or abuse any Slave quietly and peaceably being in his Master's Plantation or found any where out of the same having a lawful Ticket or other Token under the Penalty of Ten Shillings to be recovered by Warrant from any Justice of the Peace upon Oath, and be paid to the Owner of the Slave so abused: and the said Patrol shall have full Power to search and examine all Negro-Houses for offensive Weapons and Ammunition, and on finding of any such contrary to the Act for the better ordering and governing of Negroes and other Slaves shall then proceed according to the Method by the said Act directed and if any Patrol shall see any fugitive Slave or Slaves endeavouring to avoid them by hiding

hiding or runing into or shall hear of any such being harboured in any dwelling-House of a white Person, the Commander shall ask leave of the Owner of the said Dwelling-House or of some white Person then there, to search for, examine and apprehend the said fugitive Slave, or that the said Owner should deliver up such Slave or Slaves, and in Case the said Owner or other white Person so intreated, shall refuse to deliver up such fugitive Slave or Slaves, or to suffer search to be made for them (the said Patrol or any of them having seen such Slaves enter) shall forfeit the Sum of Twenty Shillings for every such Offence AND BE IT FURTHER ENACTED by the Authority aforesaid that the said Patrols in their several Districts, or any two Persons belonging to the said Patrol respectively shall have full Power, and they are hereby authorized and impowered to enter into any disorderly tipling-House, or other House suspected of harbouring, trafficking or dealing with Negroes, either of white Persons, free Negroes or others, and to apprehend and correct all disorderly Slaves there found by whiping as hereinbefore directed, and the said Patrols in their several Districts may search any such disorderly Houses for stolen Goods, if any are suspected to be there concealed upon Oath first made of such suspicion before a Magistrate and the same certified to the Commander of such Patrol AND WHEREAS many irregularities may arise by Patrols drinking too much Liquor before or during the time of their being on duty BE IT FURTHER ENACTED by the Authority aforesaid, that

The Patrol or any two of them impowered to enter any disorderly House suspected of harbouring or trafficking with Negroes, and may search such disorderly Houses for stolen Goods suspected to be there, Oath having first been made of such Suspicion and certifyed to the Commander of such Patrol-

Any Patrol Man being drunk when on Duty to pay 4s/ to be recovered by Warrant from a Justice and applyed to the Use of the High Ways-

that any Person whatever who shall be drunk during the time of his Service on the Patrol shall be subject to the Penalty of four Shillings, to be recovered by Warrant from any Justice of the Peace, upon Oath first made thereof, the same to be applyed to the use of the High-Ways in the respective Districts where the Offence shall happen AND BE IT FURTHER ENACTED by the Authority aforesaid that in Case the Captain of any District or other Commander Officer, at any Muster Day, or within five Days after, shall fail or neglect to prick off a sufficient Patrol for any District according to the Method prescribed by this Act in Manner aforesaid, each of the said Captains or other next Commanding Officer, shall for every such neglect or default forfeit the Sum of Ten Shillings for every Patrol District so unsupplied to be recovered by Warrant under the Hand and Seal of any Justice of the Peace for the District where the Offence shall be committed, and shall be paid to the Commissioners of the High-Roads in the District where the Offence shall be committed and to be by them applyed towards repairing the Bridges and Cause-Ways in such District respectively AND BE IT FURTHER ENACTED by the Authority aforesaid, that it shall and may be lawful to and for any Person or Persons between the Age of Sixteen and Sixty to do Patrol Service for them, and to perform the other Dutys required of Patrols. And if any Captain or other Officer, Constable, Patrol-Man or other Person, shall be sued, arrested or impleaded for any Matter or Thing which he shall do or cause to be done by Virtue of or in pursuance of this Act, it

Commanders at Muster Days or within 5 Days after neglecting to prick off a sufficient Patrol to pay 10s for each Patrol District to be applyed towards repairing Bridges and Causeways -

Persons between the Age of 16 and 60 years capable of doing Patrol Duty

it shall and may be lawful for every such Captain and other Officer, Constable, Patrol-Man and other Person to plead the General Issue, and give this Act and the special Matter in Evidence on the Trial; and if a Verdict shall pass against the Plaintiff or Plaintiffs or that such Plaintiff or Plaintiffs shall suffer a Nonsuit, or discontinue his or their Action or Suit, then in every such Case, the Court where such Action shall be depending shall Tax and allow to the Defendant his and their double Costs in every such suit or Action PROVIDED always that this Act and every thing herein contained shall continue and be in force for the Term of two Years and from thence to the End of the next Sessions of the General Assembly and no longer

Persons sued for any Matter or Thing done by Virtue of this Act may plead the General Issue

The Duration of this Act—

DAV^{D}. MONTAIGUT Speaker

By Order of the upper House

PAT HOUSTOUN

Assented to 28 July 1757

HENRY ELLIS

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

for Stamping & issuing in paper Bills of Credit the Sum of Six Hundred thirty Eight pounds Seven Shillings

Shillings one penny and a farthing to be Applied in discharge of the public debt and for appropriating three fourths of the Intrest on the Sum of Two Thousand Seven hundred and Eighty five pounds already issued and let to Intrest to the sinking of the said Sum And also for stamping and issuing the further Sum of two hundred pounds to be applied in the Exchanging defaced & obliterated Bills.

Preamble.

Whereas by the Several Accounts laid before us it appears that the Taxes hitherto imposed have been insufficient for the Services for which they were intended in so much that the Sum of Seven hundred & Sixty Six pounds fourteen Shillings & eleven pence three farthings was due and owing by the public on the twenty fourth day of June last for the discharge of which Ballance, no Provision has hitherto been made to the great prejudice of Several Individuals and highly detrimental to the Credit of this Province And Whereas it appears by the accounts of the Commissioners appointed for carrying into Execution an Act of this province intituled an Act for imprinting emitting and making Current in paper Bills of Credit the Sum of Seven Thousand pounds to be let out at Intrest on good Securities at Six pounds by the hundred by the year and for applying the said Intrest That the said Commissioners by virtue of the said Act have printed issued and let to Intrest at Six pounds by the hundred by the year Bills of Credit to the amount of Two thousand Seven Hundred & eighty five pounds & have also paid into the hands of his Majestys Treasurer for this

For Stamping and Issuing Bills of Credit.

this province the Sum of one hundred & twenty eight pounds Seven Shillings & ten pence half penny which Sum is three fourths of the sum of arising & accruing from the letting to Intrest of the aforesaid Bills of credit and remains unappropriated We therefore pray your most Sacred Majesty that it may be Enacted and be it Enacted by his Honour Henry Ellis Esq. Lieut. Gov. & Comndr in Chief in and over this province of Georgia by and with the advice & Consent of the Honourable Council & Commons house of Assembly of the said province in General Assembly met and by the Authority of the same That the Commissioners appointed for carrying into Execution the said Act intituled an Act for the imprinting emitting & making Current the sum of Seven thousand pounds in paper Bills of Credit (of which said Sum the Sum of four thousand pounds remains to be issued) shall & are hereby Authorized & impowered to Stamp sign and issue in like Bills of Credit with those already issued the further Sum of Six hundred and thirty Eight pounds Seven Shillings one penny and a farthing pursuant to the directions of the said Act and to pay the same into the hands of his Majestys Treasurer for this Province taking his Receipt for the same And the said Treasurer may & is hereby authorized & required to apply the Sum of Six hundred & thirty Eight pounds Seven Shillings one penny & a farthing so paid into his hands in discharge of such debt & Debts as shall appear to the Governor and Council with the Receipt of the person to whom paid the said Treasurer is hereby further authorized and required to apply the sum of one hundred & twenty Eight

Enacted.

That the Commissioners appointed to carry into Execution an Act for imprintg. emitting & making current 7000 £ in paper Bills of Credit (of which 4000 £ remains to be issued) are authorised to stamp sign & issue in like Bills 638 £ "7s" 1d 1/4 and pay it to his Majesty's Treasurer of this Province.

The Treasurer to apply it in Discharge of Debts due f'm the Public on or before the 24th. June last, such Debts being certified by the Governor and Council.

The Treasurer also to apply 128 £ "7s" 10d 1/2 in his Hands to the same Uses.

Eight pounds Seven Shillings and ten pence half penny now in his hands as paid into him by the Commissioners Aforementioned being three fourths of the Amount of the Sum received by them on Account of the Intrest due upon the Aforementioned sum of Two thousand Seven Hundred & Eighty five pounds already issued and lent out by them in Said of the said Sum of Seven hundred & Sixty six pounds fourteen Shillings & Eleven pence three farthings in discharge of the said debts by order of the Governor and Council in like manner as before directed and to no other purpose whatsoever And forasmuch as the Circumstances of this province will not admit of an additional Tax to sink the said Sum of Six Hundred and thirty Eight pounds Seven Shillings one penny and a farthing hereby directed to be issued in Bills of Credit for discharging the Aforesaid public debt Be it further Enacted by the authority aforesaid that three fourths of the Sum which shall annually arise and accrue from the Intrest payable upon account of the aforementioned Sum of Two thousand Seven hundred & Eighty five pounds already issued and lent out shall by the said Commissioners appointed for carrying into execution the before recited Act be applied and they are hereby authorized & required so to do in such proportion as they shall receive it annually to the calling in and sinking so much of the said Bills of Credit as shall amount to the Sum of Six hundred and thirty Eight pounds Seven Shillings one penny and a farthing hereby directed to be issued and paid in discharge of the public Debt and to no other purpose

That three fourths of the Interest henceforth accruing from 2785 £ let out at Interest by the said Commissioners shall be annually applied towards sinking the 638 £ "7s" 1d 1/4.

pose whatsoever any thing herein contained to the contrary notwithstanding And Whereas many of the Bills of Credit heretofore issued are defaced & obliterated in so much that they are rendered useless to the possessors of them to their great detriment Be it therefore further Enacted by the Authority aforesaid, That the Commissioners of the General Loan are hereby impowered to Stamp & Sign the further Sum of two hundred pounds and to apply the same in Exchange of the said defaced Bills and for no other use whatsoever and the said Commissioners are hereby impowered to exchange such defaced & obliterated Bills as they shall think are not passable to the full amount of the said two hundred Pounds And to allow for the Bills brought to them the Moiety of the whole tenor of the Bills and so in proportion to any part of such Bills brought to them to be exchanged as Aforesaid And the said Commissioners shall at the first sitting of the General Assembly after the first day of January one thousand Seven hundred & fifty Eight yearly lay before them such defaced Bills as by them have been exchanged in Order to be burnt before them. And be it further Enacted by the Authority aforesaid that neither this Act nor anything herein before contained shall be of any force power or Efficacy but the Same is wholly suspended until His Most Sacred Majestys royal approbation and Allowance thereof shall be known and signified to the Governor or Commander in Chief for the time being

That 200 £ in like Paper Bills shall be issued to be applied in Exchange of defaced obliterated Bills not passable.

That this Act be suspended untill the royal Approbation obtained.

ing, any thing herein before contained to the Contrary in any wise notwithstanding.

DAV^{D}. MONTAIGUT Speaker

By order of the Upper House

PAT: HOUSTOUN

Assented to 28th July 1757

HENRY ELLIS.

A true copy taken from the Original examined

JAMES HABERSHAM Sec^{ry}.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

for Raiseing and granting to His Majesty the Sum of Six Hundred & forty five pounds to defray the Expences of holding the Courts of Oyer and Terminer and other Expences of Government.

Preamble.

Whereas it is absolutely necessary That the Expences of the Courts of Oyer and Terminer & the Charges of the Sitting of the General Assembly & other Expences of Government should be provided for Therefore for the well and truly effecting of these purposes We humbly pray your most Sacred Majesty That it may be Enacted And be it Enacted by

by His Honour Henry Ellis Esquire Lieutenant Governor & Commander in Chief of the province of Georgia by & with the Advice & Consent of the Honourable Council & Commons House of Assembly of the said Province in General Assembly met, and by the Authority of the same, That the Sum of Two Shillings Sterling for every hundred acres be Levied on all Lands holden or possessed by any Persons or to which any Person or Persons is or are intituled or interested in throughout this Province (Lands whereon any Churches or other Buildings for Divine Worship or Buildings for Charitable Uses are Erected & Lands appertaining to such Churches & Buildings and all Slaves appurtenant to or going with such Churches Buildings or Lands, & all Moneys appropriated for Charitable Uses always excepted) and the Sum of Two Shillings Sterling per Head be levied on all negroes & other Slaves within the Limits of this province and the Sum of Fourteen Shillings sterling on every hundred pounds Sterling let out at Interest in this Province over & above what such Person or Persons shall Pay Interest for, and that all merchants & Store keepers shall be rated by the Assessors & Collectors hereafter Appointed by this Act at the rate of Fourteen Shillings Sterling upon every hundred pound sterling of full Value of their stock in Trade Provided nevertheless That any merchants or Store keepers either in Town or Country who shall have reason to believe that he she or they is over rated for his her or their Stock in Trade Shall have five days Public Notice given by the said Assessors in Writing

Enacted.

That 2s Sterling be levied for every 100 Acres of Land, and 2s — Head on all Negroes, and,

14s Sterling on every hundred pounds at Interest or in Trade.

Traders over rated may swear off.

Writing at the most Public Place in the Town or District where such merchants or Store-keepers shall reside to swear off so much as he she or they shall think themselves over rated by the said Assessors or Collectors, and the said Assessors or Collectors are hereby impowered to Administer such Oath & to allow of an abatement And be it Enacted by the authority aforesaid that all Houses in Town & Town Lotts shall be rated by the Assessors & Collectors equally and proportionably to the best of their knowledge at the rate of Fourteen Shillings Sterling per hundred pound Sterling of the Value of such Houses or Lotts and any person or Persons that shall have reason to believe they are over rated for their Houses or Lotts shall have Liberty to swear off as above directed for the Merchants Stock in Trade And be it Enacted by the Authority aforesaid that all Persons Possessed of Lands Slaves Moneys at Interest or who are liable to Pay any Tax by Vertue of this Act shall on or before the first Wednesday in April next render a particular Account thereof in writing And in what District the said Lands and Slaves do lye to the best of their knowledge to the Collectors or Assessors of the Several Districts respectively where the person who is to render such an Account do live and reside & to no other person or Persons whatsoever at such times & places as the said Collectors & Assessors or any one of them shall direct & appoint for doing thereof & shall pay the Tax thereon to the said Collector or Collectors accordingly and to no other person or Persons whatsoever And the said Collectors & assessors or any one of them shall &

Town Houses and Town Lots to be rated at 14s ℔ £100 value of such Houses &ca., the owners, if over rated having leave to swear off.

Accounts of particulars liable to pay Tax to be rendered to the Collectors before the first Wednesday in April next, and the Tax to be paid to them only, who are impow'd to issue Executions against Persons refusing or neglecting to pay the same.

are

are hereby Authorized and impowered to Issue Executions against all such Person or Persons who shall refuse or neglect to pay their respective Tax as herein directed And be it Enacted by the Authority aforesaid that all persons in giving or rendering their Account of Money at Interest & Lands or Slaves as aforesaid shall declare the same upon Oath which Oath any of the Collectors & Assessors aforesaid are hereby impowered to Administer And be it further Enacted by the Authority aforesaid that in Case any Person whatever shall neglect or refuse to give in an account as aforesaid & pay his her or their Tax at the time herein before mentioned the Collector or Assessors or any one of them respectively within ten Days after the time is fully elapsed shall cause the same to be Levied by Virtue of a Warrant under his or their Hands and Seals directed to any Constable requiring him to levy the same by Distress and Sale of the defaulters Goods returning the Overplus, if any there be to the defaulter after deducting reasonable charges & the Constables to whom such Warrant shall be directed shall take from the defaulter the following Fees for the execution of his or their Office, namely for serving every execution one Shilling Sterling and one Shilling for every pound Sterling to be levied as Aforesaid & two pence for every Mile computed from the Dwelling House of the Constable to the dwelling House or Residence of such Defaulter and the Collectors & Assessors respectively for every such Warrant he or they shall so Issue shall have from such Defaulter one Shilling and Six pence Sterling And be it further Enacted by the Authority aforesaid that

Persons rendering their Accounts of Money at Interest &ca. to do it upon Oath.

Persons refusing to render accounts & pay their Tax, the Collectors to levy the same by Distress & Sale of the Defaulters Goods.

Constables and Collectors Fees for levying on Defaulters.

Names of Collectors and Assessors.

that the several persons herein after named shall be Collectors and Assessors for the Several Towns Districts & Divisions herein after mentioned respectively namely for the Town & District of Savannah Joseph Ottolenghe Alexander Willy Thomas Vincent, For the District of Abercorn & Goshen John Morel, Mathias West, For the Town & District of Ebenezer John Flerl, John Goldwire, John Gasper Wertch, For the District of Hallifax John Henry Grewes John Kennedy For the Town and District of Augusta John Williams, William Sluthers, Dougel Campbell For the District of Great & little Ogechee including the Town of Hardwicke Elisha Butler Henry Burquine For the District of Medway and Newport John Graves & John Stephens For the District of Sapola and Darien William Harris Alexander M'Donald William Clark For the Town & District of Frederica John Perkins & John Price For the Sea Islands Henry Yonge and Middleton Evans For the Town of Vernonburgh & the Village of Acton Thomas Fraser & Randolph Burghalter And Whereas there are or may be Sundry Tracts of Lands Slaves Houses & Moneys at Interest owned or claimed by persons not residing in this Province Be it therefore Enacted by the authority Aforesaid That all Attorneys or Trustees for such person or persons shall make due return to the respective Assessors or Collectors in the place or District where he or they lived in the same manner as the Owner or Claimer above mentioned might or could was he actually present and such Attorney is hereby authorized and impowered to deduct the same from the Money Effects or Lands intrusted with

Attorneys or Trustees of Absentees liable to pay Tax, as owners, unless they declare on Oath, that they have renounced their Trust.

with him and shall be subject and liable to pay the Tax that shall become due for the same out of his own or their proper Estate unless such Attorney or Trustee should make Oath before the said Collectors or Assessors or any of them that he has renounced his power & Attorneyship before the said Tax became due without having done it only with Intention to avoid the payment of the same and if there be no Attorney or Trustee to be found for such Person who have Lands Slaves Houses & Moneys at Interest and are living & residing out of this province the Assessors & Collectors shall be and they are hereby directed required and Impowered to Sell Timber or any other Commodity thereon growing for payment of the Tax that shall become due as herein directed or shall Lease the Lands for the Payment of the same And be it further Enacted by the Authority aforesaid that all persons in any wise liable to pay Tax by virtue of this Act shall pay the same on or before the first Wednesday in May next or within ten Days after at farthest as aforesaid and the Collectors & Assessors shall give receipts if required such person writing the same & the Assessors & Collectors shall on or before the first Wednesday in June next close their Accounts & shall deliver the same on Oath to his Majestys Treasurer for the time being who is hereby required & impowered to Administer the same & pay in all such Moneys as shall by them be respectively received in pursuance of the directions of this Act without any Deductions or Commissions or any other charge whatsoever and the said Collectors & Assessors shall also give in the Account of their own Lands

Tax to be paid on or before the first Wednesday in May next, or within 10 days after, and the Collectors to close their accounts & deliver them On Oath to His Majestys Treasurer on or before the first Wednesday in June next, & also the Accounts of their own Lands &ca.

Lands Slaves & Moneys at Interest and pay the same after the manner above mentioned And be it further Enacted by the authority Aforesaid that all

Deeds &ca made to avoid being assessed declared void.

Deeds of Gift Conveyances or Mortgages Sales and Assignments of Lands & Tenements Goods & Chattels of any person whoever made with an Intent to avoid being assessed or paying Tax are hereby deemed & declared to be fraudulent Null & Void to

Penalty on the Several Officers appointed to carry this Act into Execution neglecting their Duty, and,

all intents & purposes whatsoever And be it further Enacted by the authority aforesaid That His Majestys Treasurer Collectors Assessors Marshall, Constable & every other Magistrate or Officer or either of them who shall neglect and refuse to do and perform the Several Matters hereby required of them to be done respectively within the time prescribed by this Act for every such neglect or refusal shall forfeit the Sum of Ten pounds Sterling to be recovered in any Court of Requests in this Province the one half to his Majesty for the support of this

how to be applyed.

Government and the other half to him or them that will Sue for the same And be it further Enacted by the Authority aforesaid That his Majestys Treasurer for the time being shall issue the Money by Order of the Governor & Council for the purposes above mentioned and in the following manner That is to Say For defraying the Expences of holding the Court of Oyer and Terminer from the

His Majestys Treasurer to issue the Money by order of the Governor & Council, for the several Purposes in this Clause expressed.

Twenty fourth of June last to the Twenty fourth of June One thousand Seven Hundred & fifty eight a Sum not exceeding One hundred and fifteen pounds For defraying the Expences of the General Assembly and transmitting to the Ministry Copys of the Public Proceedings from the Twenty fourth of June last

last to the Twenty fourth of June One thousand Seven Hundred and Fifty Eight a sum not exceeding Two hundred and five pounds for a Provincial Commissary Twenty Pounds For establishing a Post to Charles-Town Thirty Pounds For maintaining three Look outs, three Men to each at Forty shillings a Month each Man for three Months fifty four Pounds For an Armourer for cleaning and keeping in Order Seven Hundred Musquets twenty one Pounds For Contingent Services a Sum not exceeding two hundred Pounds and the said Treasurer shall lay his Accounts before the Assembly to be inspected when thereunto required of all Moneys received & paid by him as herein before directed And be it further Enacted by the Authority aforesaid that this Act shall continue and be in force for one year next after the Passing of this Act & no longer.

Continuance of this Act.

DAVD. MONTAIGUT Speaker

Assented to 28. July 1757.

HENRY ELLIS.

A true copy taken from the Original examined

JAMES HABERSHAM Secr.

(State Archives.)

An act to prevent private persons from purchasing lands from the Indians, and for preventing persons trading with them without license.

Whereas

For Purchasing Lands From the Indians.

Preamble.

WHEREAS the safety, welfare and preservation of this province of Georgia, doth in great measure depend on the maintaining a good correspondence between his majesty's subjects and the several nations of Indians in amity with the said province: *And whereas* many inconveniencies have arisen, from private persons claiming lands, included in the charter granted to the late honorable trustees for establishing the colony of Georgia by his present majesty, and since reinvested in the crown, under pretence of certain purchases made of them from the Indians, which have given occasion for disputes with those people; for remedy whereof, and for preventing any differences or disputes with the Indians for the future, and also for preventing persons trading with them without license, *Be it enacted,* That from and after the fifteenth day of February, one thousand seven hundred and fifty-eight, if any person or persons whosoever shall attempt to purchase or contract for, or cause to be purchased or contracted for, or shall take or accept of a grant or conveyance of any lands or tracts of lands from any Indian, or body of Indians, upon any pretence whatsoever, (except for the use of the crown and that by permission for this purpose, first had and obtained from his majesty, his heirs or successors, or his or their governor or commander in chief of the said province for the time being) every such purchase, contract, grant and conveyance, shall be, and is and are hereby declared to be null and void, to all intents and purposes whatsoever; and all and every person and persons so offending shall, for every

Contracts for lands with the Indians, unless for the public, void and the purchaser to forfeit one thousand pounds.

such

such offence, forfeit the sum of one thousand pounds sterling money of Great-Britain, the one half thereof to his majesty, his heirs and successors, for the use of the province, and the other half to him or them shall sue for the same, by action of debt, of information in the general court of this province, in which no protection, essoign, privilege, or wager of law, or more than one emparlance shall be allowed.

By order of the Commons House of Assembly.

DAVID MONTAIGUT, Speaker.

By order of the Upper House.

PATRICK HOUSTOUN, President.

Council Chamber, February 15, 1758.

Assented to.

HENRY ELLIS.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

to amend and continue an Act Intitled an Act for regulating the Militia of this Province and for the Security and better defence of the same.

Whereas by an Act of the General Assembly of this Province passed the twenty fourth day of January Preamble.

uary in the year of our Lord one thousand seven hundred and fifty five Intitled an Act for regulating the Militia of this Province and for the Security and better defence of the same, it is not Lawfull for Captain or other Commanding Officer of the several Companies of Militia in this Province to Assemble Muster train and exercise their respective Companies or any of them for ordinary & General musters oftner than Six times in one year, And Whereas the said Act doth not direct or specify how many General musters there shall be of the Militia in a year of each Regiment and it being necessary to fix the number of times each respective regiment shall be obligd to muster yearly We humbly pray your most sacred Majesty that it may be enacted And be it Enacted by His honour Henry Ellis Esquire Lieutenant Governor & Commander in chief of the Province of Georgia by & with the Advice & consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met, and by authority of same, That from and after Seventeenth day of March in the year of our Lord one thousand Seven Hundred and fifty eight it shall & may be lawfull for every Colonel or in his absence the next commanding field Officer to appoint one General muster of their respective regiments once every year, And also for every Captain of a company or Troop or in his absence the next Officer in Command to muster their respective Troop or Company not exceeding Six times in one year, And if any Colonel or in his absence the next field Officer shall refuse or neglect to appoint a General Muster of his or their respective regiments once

Enacted that after 17th March 1758 every Colonel or field Officer may appoint a General Muster of his Regiment once a year, & also for every Captain to Muster his troop or Company, not exceeding Six Times a year. Any Colonel or field Officer neglecting to appoint a General Muster once a year shall be fined £6 stg. Every Captain or Commanding Officer of a Troop or Company neglecting to appoint Ordinary Musters at least three times a year, to be fined not exceeding £3 stg.

once a year such Colonel or Commanding Field Officer shall be fined not exceeding Six pounds sterling for every such refusal or neglect, And if any Captain or commanding Officer of a Troop or Company shall refuse or neglect to appoint ordinary musters of his or their respective Troop or Company at Least three times in one year such Captain or Commanding Officer of a Troop or company shall be fined not exceeding Three Pounds Sterling for every such refusal or neglect to be tried recovered and Applied as directed by the before mentioned Act any thing in the said Act or in this Act contained to the contrary thereof in any wise notwithstanding Provided nevertheless that it shall & may be lawfull for every Colonel or in his absence the next field Officer in Command to muster their respective Regiments in such divisions of the said Regiments and at such different times and places as he or they shall in their discretion think Convenient, And Whereas the said Act Intitled An Act for regulating the Militia of this Province and for the Security and better defence of the same, is near expiring Be it further Enacted by the authority Aforesaid that the said Act which was to be in force for three years from the said twenty fourth day of January one thousand Seven Hundred & fifty five and from thence to the end of the next Session of the General Assembly shall be and the same is hereby together with the alterations and amendments herein before mentioned continued from the expiration thereof untill the twenty fourth day of January One thousand Seven hundred and Sixty one

provided that every Colonel or field Officer may Muster their regiments in such divisions & at such times and places as they shall think fit.

further Continuance of the former Act & Continuance of this Act.

one, and from thence to the end of the then next Session of the General Assembly and no longer.

By order of the House

DAV^{D}. MONTAIGUT Speaker

By order of the Upper House

P^{AT}. HOUSTOUN.

In the Council Chamber the 15th day of March 1758.

Assented to

HENRY ELLIS.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

Title. *to explain and amend an Act passed in the last Session of the present General Assembly of this Province Intitled an Act for the Security and Defence of the Province of Georgia by erecting Forts in the Several Parts thereof and for appointing Commissioners to carry the same into Execution.*

Preamble. Whereas by an Act passed in the Last Session of this present Genéral Assembly Intitled an Act for the Security & Defence of the Province of Georgia by erecting Forts in the several parts thereof and for appointing Commissioners to carry the same into

into Execution A tax of one Shilling a head was directed to be Levied in Six weeks from the passing of the said Act on all the White Male Inhabitants And all the male Slaves liable to do duty on the publick roads within this Province and that the said Tax should be collected by the Commissioners of the several and respective districts therein before mentioned And Whereas the several Commissioners in the said Act named having neglected to collect the said Tax in their several Districts within the said Term of Six weeks as Limitted by the said Act some doubts have thereupon arisen as to their power of Collecting the said Tax, and building the said Forts, after the expiration of the said Six weeks, To obviate which, and for the better & more effectual carrying the said Act into execution and for Collecting and Levying the said Tax as by the said Act is directed and intended. We pray your most Sacred Majesty that it may be Enacted. And be it Enacted by His Honour Henry Ellis Esquire Lieutenant Governor and Commander in Chief of this His Majestys said Province of Georgia by and with the advice & Consent of His Majestys Honourable Council and Commons House of Assembly of the said province in General Assembly met. And by the Authority of the same That all & every the white male Inhabitants of this Province for themselves and their respective Male Slaves Liable to the said Tax of one Shilling a Head as in the said Act is mentioned, shall pay the said Tax of one Shilling unto the several persons herein after appointed to receive the same for and towards the defraying the Expences of Building the fortyfications at Savannah

Enacted that all the white Male Inhabitants for themselves & their Male Slaves liable the Tax of 1s/ a head by the Act, in this Act mentioned, shall pay the same, to the person by this Act appointed to receive the same.

nah as by the said Act is directed And for the speedy collecting of and receiving the said Tax Be it further Enacted by the authority aforesaid that the Commissioners of their several districts in the said Act named respectively or any five of them shall on or before the second Tuesday in April one thousand Seven hundred & fifty eight meet together at some convenient place within their respective districts and then & there shall by Warrant under their hands & Seals nominate & appoint one or more fit person or persons to be Collector or Collectors for such district who shall when so appointed give notice to the Inhabitants of the District of which they are so appointed by advertisement affixt up at some publick place in the district to pay him or them their respective Tax according to the direction of this the aforesaid Act, And be it further Enacted by the authority aforesaid that all & every person and person liable to the payment of the said Tax aforementioned shall on or before the third Tuesday in May One Thousand Seven hundred and fifty eight respectively give an Account upon Oath (if required) to the Collector or Collectors of the number of their Male Slaves liable to the said payment of the said tax as aforesaid which Oath the said Collector or Collectors are hereby impowered to administer and shall at the same time pay unto the said Collector or Collectors their respective Tax due for themselves and Slaves according to the direction of the afore mentioned Act.

the Commissioners in this Act named, or any five of them to meet & appoint Collectors to receive the said Tax.

All persons liable to payment of the said Tax to give an Account upon Oath to the Collectors if required of the Number of their Male Slaves liable to payment of the said Tax.

And be it further Enacted That in Case any person or persons for themselves and slaves liable as aforesaid

aforesaid shall neglect or refuse to pay their said Tax on or before the said Third Tuesday in May one Thousand Seven Hundred and fifty eight or within Ten days after that then it shall and may be Lawfull to and for all & every of the said Collectors respectively to Levy the same upon the goods and Chattels of every such person that shall so neglect or refuse by distress & Sale thereof, rendering the Overplus, if any, to the Owner after deducting the Charges of such Distress. And in Case any person neglecting or refusing payment of the said Tax being of apparent Ability to pay the same but shall have no goods nor Chattels whereon the said Tax due may be Levid then it shall and may be Lawfull to and for any three of the said Commissioners for the District where such person shall reside by Warrant under their hands & Seals to commit such person to the common Goal of the province untill payment thereof. And be it further Enacted by the authority aforesaid. That the said Several Collectors respectively shall on or before the third Tuesday in June One thousand Seven hundred and fifty eight give in an account of the moneys they shall respectively have receiv'd and shall pay the same unto his Majesty's Treasurer of the Province for the purposes before and in the said Act mentioned and directed to be issued by order of the Governor & Council on the Certificate of the Commissioners for building the fort of Savannah or any five of them And the several Collectors shall at the same time pay for themselves and their own Slaves of which they shall then likewise give an account upon Oath (if required) to the said Treasurer who is

If any person shall neglect to pay the said Tax on or before the third tuesday in May 1758 or within ten days after the same shall be levied by distress.

Any person refusing to pay the said tax, being of ability but having no Goods or Chattels whereon the said tax may be levied shall be sent to the Common Goal there to remain till payment thereof.

The several Collectors shall on or before the third tuesday in June 1758 pay the money they receive to the Treasurer and at the same time pay their own Tax.

is hereby impowered to administer the same. And be it further Enacted that in case of any neglect or refusal of any Collector or Collectors to receive and pay the said Tax in manner as is herein before directed every such Collector shall forfeit the sum of forty Shillings and in Case any Collector or Collectors having once taken upon him or them to act in manner aforesaid shall neglect or refuse to perform his or their duty according to the directions of this and the aforesaid Act, Every such Collector shall forfeit the Sum of Ten Pounds Sterling to his Majesty to be Levied by Warrant of the Commissioners of the district of which such Collector or Collectors shall be appointed, or any five of them and to be applyed towards the Fort or Fortifications of the district where the Offence shall be commiltted, and the said Commissioners are hereby impowered to appoint one other person or persons in the room of such Collector or Collectors so refusing or making default as aforesaid. And be it further Enacted by the authority aforesaid that the powers & authoritys given to the several Commissioners by the former Act shall be and continue in force till the duty's required by the said Act shall be fully complyed with And the Commissioners of the several Districts in the said Act named respectively or any five of them shall have full power and authority and they are hereby required to carry into Execution and perform the several matters and things by the said Act and this Act directed to be done and performed within twelve months from the first day of March one thousand Seven hundred and fifty eight. And

penalty on persons appointed Collectors refusing to receive and pay the said Tax. penalty on Collectors taking upon them to Act and afterwards refusing.

the Commissioners to appoint other Collectors in the room of those refusing.

the powers given the Commissioners by the former Act to continue in force, till the duties required by that Act are complyed with.

The Commissioners to perform the several matters & things enjoined them by this & former Act within twelve Months from the 1st. day of March 1758.

if

if any Commissioner shall neglect or refuse to carry into Execution and perform the several matters & things by the said Act and this Act directed to be done and performed within the time before limitted every such Commissioner shall forfeit the Sum of Twenty Pounds Sterling money of Great Britain the one half thereof to his Majesty for the use of the Fortifications where such forfeitures shall be incurred the other half thereof to him or them that shall sue for the same to be recover in the General Court of this Province. And be it further Enacted by the authority aforesaid, That it is the true Intent and meaning of this Act that the duty therein required by this and the former Act shall be compleated in Twelve months from the passing of this Act.

Penalty on Commissioners refusing or neglecting the duty hereby injoined them.

All & singular the matters & things by this and the former Act required to be compleated in 12 Months from the passing this Act.

By order of the House

DAV^{D}. MONTAIGUT Speaker.

By order of the upper house

PA^{T}. HOUSTOUN.

In the Council Chamber the 15th day of March 1758.

Assented to

HENRY ELLIS.

State

For Establishing Religious Worship.

(State Archives.)

Title

AN ACT for constituting and dividing the several Districts and Divisions of this Province into Parishes, and for establishing of Religious Worship therein according to the Rites and Ceremonies of the Church of England; and also for impowering the Church Wardens and Vestrymen of the Respective Parishes to assess Rates for the Repair of Churches, the Relief of the Poor, and other Parochial Services.

Preamble

WHEREAS nothing can have a greater tendency to promote the Honour of God, the propogation of the true Christian Religion, and the Spiritual Welfare of your Majesty's Subjects, inhabiting this Province, than the Regular performance of Divine Service, according to the Rites and Ceremonies of the Church of England on Sundays and other Days, in the several Districts thereof, by Ministers duly authorized and appointed thereto; We therefore pray your most Sacred Majesty, That it may be Enacted AND BE IT ENACTED by His Honour Henry Ellis Esquire Lieutenant Governor and Commander in Chief in and over this His Majesty's said Province of Georgia, by and with the Advice and Consent of the Honourable Council, and the Commons House of Assembly of the said Province, in General Assembly met, and by the Authority of the same, THAT the several Districts and Divisions of the said Province, shall from and after the Seventeenth Day of March one thousand seven hundred and fifty eight, be divided and constituted into Eight Parishes

Enacted that after the 17th day of March 1.7.5.8 the sevrl Districts Divisions of this Province shall be divided into Parishes

Parishes, That is to say, the Town and District of Savannah, extending up the River Savannah, including the Islands therein, as far as the South East boundary of Goshen, from thence in a South West Line to the River Great Ogechee, and from the Town of Savannah Eastward, as far as the Mouth of the River Savannah, including the Sea Islands to the Mouth of the River Great Ogechee, and all the Settlements on the North Side the said River, to the Western boundaries thereof, shall be and for ever continue a Parish, by the Name of the Parish of Christ Church; The District of Abercorn and Goshen, and the District of Ebenezer, extending from the North-West boundaries of the Parish of Christ Church, up the River Savannah, as far as the Beaver Dam, and South West as far as the Mouth of Horse Creek on the River Great Ogechee, shall be and ever continue a Parish by the Name of the Parish of Saint Matthew—; The District of Halifax, extending from the North West boundaries of the Parish of Saint Matthew, up the River Savannah from the Mouth of Mackbeen's Swamp, to the Head thereof; and from thence to the head of Lambol's Creek, to the river Great Ogechee, shall be and forever continue a parish, by the name of "The parish of St. George:" the district of Augusta, extending from the northwest boundary of the parish of St. George, and southwest as far as the river Ogechee, and northwest up the river Savannah, as far as Broad River, shall be and forever continue a parish by the name of "The parish of St. Paul:" the town of Hardwick and district of Ogechee, on the south side of the river Great Ogechee, extending northwest

The Parishes named and described.

St. George.

St. Paul.

west up the said river as far as the Lower-Indian trading-path, leading from Mount Pleasant, and southward from the town of Hardwick as far as the swamp of James Dunham, including the settlements on the north side of the north branches of the river Midway, with the islands of Ossabaw, and from the head of the said Dunham's Swamp in a northwest line, shall be and forever continue a parish, by the name of "The parish of St. Philip:" from Sunbury in the district of Midway and Newport from the southern bounds of the parish of St. Philip, extending southward as far as the north line of Samuel Hastings, and from thence southeast to the south branch of Newport, including the islands of St. Katharine and Bermuda, and from the north line of the said Samuel Hastings northwest, shall be and forever continue a parish by the name of "The parish of St. John:" the town and district of Darien, extending from the south boundary of the parish of St. John to the river Alatamaha, including the islands of Sapelo and Eastwood, and the sea islands to the north of Egg Island, northwest up the river Alatamaha to the forks of the said river, shall be and forever continue a parish by the name of "The parish of St Andrew:" and the town and district of Frederica, including the islands of Great and Little St. Simons, and the adjacent islands shall be and forever continue a parish, by the name of "The parish of St. James."

St. Philip.

St. John.

St. Andrew.

St. James.

The Church in the Town of Savannah and the Ground now used for a burial Place to be the Parish Church and Burial Place of Christ Church

And be it further enacted, That from and after the said seventeenth day of March, one thousand seven hundred and fifty-eight, the church already erected

erected in the town of Savannah, and the ground as now used for a coemetery or burial place thereto, shall be the parish and coemetery of Christ Church.

AND BE IT FURTHER ENACTED that from and after the said Seventeenth Day of March One thousand and Seven hundred and fifty eight, Bartholomew Zouberbuhler Clerk, the Present Minister of Savannah, shall be the Rector and Incumbent of the said Church of Christ Church, and he is hereby incorporated and made one Body Politic and Corporate, by the Name of the Rector of Christ Church, in the Town of Savannah, and shall be and he is hereby enabled to Sue and be sued by such Name, in all Courts within this Province, and shall have the Cure of Souls within the said Parish, and shall be in the Actual Possession of the said Church, with its Coemetery and Appurtenances, and shall hold and enjoy the same to him and his Successors, together with the Glebe Land, already granted to him, and the Messuage or Tenement near to the said Church, with all and singular the Buildings and Appurtenances thereunto belonging, and also all other Lands Tenements and Hereditaments, as shall or may hereafter be given and Granted to the said Church, or the Incumbent thereof. AND BE IT FURTHER ENACTED That from and after the said Seventeenth Day of March One Thousand Seven hundred and fifty eight, the Church erected in the Town of Augusta, with the Coemetery or Burial Place thereto belonging, shall be the Parish Church and Burial Place of Saint Paul; And the Rector or Minister that shall or may at any time hereafter be nominated

The Revd. Mr. Zouberbuhler the present Minister of Savannah to be Rector of Christ Church.

The Church in Augusta and Burial Place belonging thereto to be the Parish Church and Burial Place of St. Paul, and the Rector hereafter to be appointed to be incorporated &c. - -

nominated and appointed Rector and Incumbent of the said Parish Church of Saint Paul, shall be incorporated and made one Body Politic and Corporate, by the Name of the Rector of Saint Paul, in the Town of Augusta, and shall thereby be enabled to sue and be sued by that Name in all Courts in this Province, and shall have the Cure of Souls within the said Parish, and shall have hold and enjoy to him and his Successors the said Church and Coemetery with the Appurtenances, together with the Glebe Lands already granted, and all other Lands Tenements and Hereditaments that shall or may at any time hereafter be given and Granted to the said Church of Saint Paul and the Incumbent thereof

The Commissioners herein after named to cause a Church to be built in each of the Parishes of St. Matthew, St. George St. Philip, St. John, St. Andrew and St. James, and also a convenient Habitation for the Rectors of the same, and to inclose a Burial Place to each of the Churches.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Commissioners herein after Named, or hereafter to be appointed, as soon as they shall thereto be enabled, by allowance of Parliament, Charitable Donations, or by provision of the General Assembly of this Province, shall cause a Church to be built and erected in each of the said Several Parishes of Saint Matthew, Saint George, Saint Philip, Saint John, Saint Andrew and Saint James; and shall also cause to be Erected in each of the said Parishes a Convenient Messuage or Tenement with Out Buildings for the habitation of a Rector hereafter be to appointed therein, and the said Commissioners shall also lay out and inclose a Coemetery or Burial Place to each of the said Several Churches AND BE IT FURTHER ENACTED that the said Several Churches Messuages and Coemeterys, shall be erected, laid out, and inclosed in such part of the Respective Parishes, as

shall

shall hereafter be granted by His Majesty for this Purpose, on Application to be made by the said Commissioners to the Governor and Council of the said Province, And in such Manner as the Majority of the said Commissioners, by and with the Advice and Consent of the Governor and Council of the said Province, for the time being, shall think fit in Case the Money for this purpose shall be given by His Majesty, or His Successors, otherwise by and with the Advice and Consent of the Majority of the Inhabitants of each respective Parish AND BE IT FURTHER ENACTED by the Authority aforesaid that the said Commissioners shall and are hereby impowered to apply for and take up by Grant from His Majesty Lands for the Sites of the said respective Churches, and the Coemeterys or Burial Places of the same and also for the Glebe Lands of the said Churches AND BE IT FURTHER ENACTED That the Rectors or Ministers that shall or may hereafter be respectively nominated and appointed Rectors and Incumbents of the said several and respective Parishes of Saint Matthew Saint George Saint Paul Saint Philip Saint John Saint Andrew and Saint James, and their Successors Rectors of the same, shall each of them be incorporated and made one Body Politic and Corporate, by the Name of the Rector of that Parish of which he is the Minister and Incumbent, and shall be hereby enabled to Sue and be sued by that Name in all Courts of this Province and shall have the Cure of Souls within his Respective Parish, and the Rectors and Incumbents of the said Several Parishes shall when hereafter appointed respectively have hold and enjoy to

The said seval Churches to be erected laid out and inclosed in such part of the respective Parishes as shall be granted by His Majesty on Application by the Commissioners to the Govr. and Council.

The Commissioners impowered to take up Lands for the Sites of the Churches. - -

The Rectors hereafter to be appointed Rectors of the Parishes of St. Matthew, St. George, St. Paul, St. Philip, St. John, St. Andrew and St. James, to be incorporated.

to them and their Successors the several Churches and Coemeterys hereafter to be erected and laid out, with the several Glebe Lands hereafter to be obtained and Granted, pursuant to the intention of this Act, and also the Several Messuages or Tenements and Out buildings to be erected for their several Habitations AND BE IT FURTHER ENACTED by the Authority aforesaid, that His Honour Henry Ellis Esquire, Lieutenant Governor and Commander in Chief of this Province, and the Honourable James Habersham, Francis Harris, James Mackay, James Edward Powell, William Clifton, and William Knox Esquires, and David Montaigut, James Deveaux, Noble Wimberly Jones, and Thomas Rasberry William Russell William Spencer, and Charles Watson Esquires shall be and they are hereby appointed Commissioners for the purposes herein before mentioned and intended by this Act, And that it shall and may be lawful to and for the said Commissioners or any five of them from and after the said Seventeenth Day of March One thousand seven hundred and fifty eight to have use and exercise all and every the Authorities and Powers given them by this Act, and in Case of the death, absence, or Resignation of any or either of them, the remaining Commissioners shall Assemble and meet together at some convenient Place, to be appointed for this Purpose, and so many of them as shall there be present, provided there be not less than five, on Notice thereof for this purpose to them given, Six Days at least before the time of such meeting, shall and may chuse such other Person or Persons in the Room of the Commissioner or Commissioners so dying, leaving the

The Commissioners named.

In case of the Death, Absence or Resignation of any Commissioner, the remaining Commissioners, or any five of them, may chuse Another.

the Province, or resigning, as the said Commissioners then present, or the Majority of them shall think fit; which Person and Persons so chosen, shall and is, and are hereby declared to be Commissioners, for the Execution of all and every the Powers herein as fully and amply to all intents and purposes as those herein before Named and appointed AND BE IT FURTHER ENACTED by the Authority aforesaid, that for the taking Care of the several Churches already built, and those that shall hereafter be built, and for transacting the Business of the respective Parishes, and the well ordering and good Government thereof, Church Wardens and Vestry Men shall be chosen and appointed, in the Manner herein after mentioned AND BE IT FURTHER ENACTED That on the Monday in Easter Week next after the said Seventeenth Day of March One thousand seven hundred and fifty eight; and so yearly and every Year on that Day for Ever, the Inhabitants of the said several Parishes respectively, being Free Holders within the same, or Householders, and of Ability to contribute to the Publick Taxes and Charges thereof, or so many of them as shall think fit to attend, and shall assemble and meet together at their respective Parish Churches and where there is no Church at such Place as the Commissioners above Named or the Majority of them shall appoint, for this purpose, and shall then and there respectively elect and Chuse in each of the said Parishes, except the Parish of Christ Church, not less then five, nor more than Ten, and in the Parish of Christ Church, ten sober and discreet Persons, being Inhabitants of their several Parishes respectively, to

Church Wardens and Vestry-Men to be chosen.

Vestry-men, when and how to be chosen.

to be Vestry Men thereof for One Year then next ensuing, and in Case of the death, resignation, or other legal discharge of any of the said Vestry-Men, for any, or either of the said Parishes so chosen as aforesaid, the rest of them shall with all convenient speed appoint a general Meeting of all the Inhabitants of the Parish where such vacancy shall happen, qualified as aforesaid, Who or the Majority of them shall elect and Chuse, one or more Discreet Person or Persons to be a Vestry Man, or Vestry Men in the Room of him or them, dying, resigning, or being otherwise legally discharged AND BE IT FURTHER ENACTED that all such Persons that shall be so elected and chosen, shall take the following Oath Viz[t]. "I, A B do swear, that I will truly "and faithfully execute the trust and Office of a "Vestry Man of this Parish according to the best of "my skill knowledge and Power without prejudice "favour or Affectation," which Oath shall be Administered by any Justice of the Peace of the same Parish— Who is hereby required and impower'd to Administer the same—, And every such Person being so elected and chosen a Vestry Man as before by this Act is directed, and having taken the Oath as required by this Act, and not before, shall be deemed and taken as One of the Vestry to all intents and Purposes AND BE IT FURTHER ENACTED that the said Inhabitants of the several Parishes aforesaid, immediately after the electing of Vestry Men as herein-before is directed, shall likewise elect and chuse two other discreet Persons Inhabitants of each Parish, that are free Holders within the same, to be Church Wardens for that Year, which

Their Oath,

Church Wardens, in what Manner to be chosen

which Church Wardens so elected shall take the following Oath, before the Vestry, who are hereby respectively impowered to administer the same—"I; A B do swear that I will truly and faithfully execute "the Office of a Church Warden within this Parish "according to the best of my Skill and knowledge "and until I shall be thereof duly discharged;" and all and every such Person and Persons so chosen Church Wardens that shall refuse to serve in the said Office shall forfeit the Sum of forty Shillings Sterling for the Use of the Poor of the Parish for which such Church Warden shall be chosen, to be recovered before any Justice of the Peace of the same Parish, and to be levied by distress and sale of the Offenders Goods and Chattels; provided allways that no Person shall be liable to such Fine for not taking upon him the said Office oftener then once in Seven Years, in the Parish of Christ Church, and once in five Years in either of the other Parishes; and in Case any Person so chosen to the office of Church Warden as before directed, shall happen to die before the Expiration of the Year for which he is chosen, than then the Vestry of the Parish where the Vacancy shall happen, or the Majority thereof, shall without delay, appoint a Meeting of the Inhabitants of the said Parish, qualified as before directed, to be Church Wardens for the remainder of the Year, in the Room of such Church Warden so deceased AND BE IT FURTHER ENACTED by the Authority aforesaid that for repairing of the Several Churches already erected, or that shall or may hereafter be erected, with their several Coemeterys, Utensils and Ornaments, and also for providing

Their Oath.

Church Warden dying, the Vestry to choose another.

The Church Wardens, Rector and Vestrymen of the several Parishes to raise the Sums herein mentioned for repairing Churches, making Provision for the Poor &c.

viding Bread and Wine for the Holy Eucharist, the payment of the Salaries of the Clerk and Sexton, and the making provision for impotent Poor Persons of the several Parishes respectively, what shall be requisite over and above the several fines by this Act Directed to be applied for this purpose, and for other Necessary Parochial Charges, it shall and may be lawful to and for the Rector, Church Wardens, and Vestry Men of the said Several Parishes respectively, and the Majority of them that shall be present at any Meeting for this Purpose, of which Publick Notice shall at all times be given in the Church on the Sunday before, immediately after Divine Service, and where there is no Church, at any other convenient place they shall appoint to raise such Sum and Sums of Money in their respective Parishes as shall be requisite and Necessary for all or any of the aforesaid Services, provided the same shall not Yearly or in any One Year, exceed the Sum of Thirty Pounds in the Parish of Christ Church, The Sum of Thirty Pounds in the Parish of Saint Paul, or the Sum of Ten Pounds in either of those Parishes where no Churches are yet erected, by an equal Tax to be assessed on the Estate real and personal of all and every the Inhabitants owners and Occupiers of Lands Tenements and Hereditaments within each Parish respectively; which Assessments they are hereby respectively impower'd to make and the same being allowed of by two Justices of the Peace of each Parish, shall be signed by the Church Wardens and Vestry Men present at each several and respective Assessment, who shall and may by Warrant under their Hands and Seals respectively

respectively appoint some fit person to collect and receive the several Sums thereby rated and Assessed from the several Inhabitants, Owners and Occupiers of Lands, Tenements and Hereditaments in their respective Parishes; and every such Collector or Person so appointed to receive and Collect the said Tax in each Parish, shall pay the same to the Church Wardens thereof, to be applied for the Purposes herein before directed and intended, deducting thereout for his Trouble Six pence in the Pound, And in Case any Person or Persons shall Neglect or refuse to pay the Tax so to be respectively rated and Assessed, and Oath being made thereof before One of His Majesty's Justices of the Peace of the Parish where such Neglect or refustal shall happen, it shall and may be lawful to and for such Justices of the Peace, by Warrant under his hand and Seal directed to any Constable of the said Parish, to levy the Sum rated and Assessed on such Person and Persons so Neglecting or refusing as aforesaid, by distress and Sale of the Defaulters Goods and Chattels, returning the overplus to the owner, after reasonable Charges deducted; and the several Constables of this Province are hereby required to Execute every such Warrant under the Penalty and forfeiture of Twenty Shillings, to be recovered before any Justice of the peace, and to be applied for the Use of the Poor of that Parish where the same shall be incurred

The Rectors Church Wardens and Vestry men to appoint Sextons and to settle their and the Clerks ffees.-

AND BE IT FURTHER ENACTED by the Authority aforesaid, that it shall and may be lawful to and for the Rectors Church Wardens, and Vestry Men of the said Several Parishes respectively, being assembled for this Purpose, of the Majority of them,

to

to Nominate and appoint a fit person to be Sexton of each Parish, and such Person to remove as they shall see Occasion; and also to appoint and settle the Salary and Fees of such Sexton, and of the Clerks of the several Parishes respectively, who shall and may from time to time be nominated and appointed by the Rectors or Incumbents thereof— AND BE IT FURTHER ENACTED that the Rector or Minister of each Parish shall when appointed be one of the Vestry, and that no Vestry shall make any Order without haveing first given timely Notice to the said Rector to be there AND BE IT FURTHER ENACTED by the Authority Aforesaid that the Church Wardens of each respective Parish shall, at the Charge of the Parish, provide one fair, well bound paper, or parchment, Book, wherein the Rector or Minister, and in Case there be no Rector there resident, the respective Church Wardens, upon Notice thereof given by the Masters or Heads of the Several ffamalies (who are hereby required to give such Notice within One Month, under the penalty of five Shillings) shall Register or Cause to be Registered by the Vestry Clerk of the Parish the times of the Births, Christnings, Marriages and Burial of all and every person and persons that shall from time to time be born Christened Married, or Buried within the said Parish, under the Penalty of five Pounds Sterling on failure thereof, And that the Vestry Clerk or person that shall Register the same shali have and receive as a fee for each Entry One Shilling Sterling the said Penalties and forfeitures to be recovered

Clerks to be appointed by the Rectors.-

The Rector to be one of the Vestry. - -

Church-Wardens to provide a Book in which the Times of Births Christnings-Marriages and Burials are to be registered. -

recovered and applied as herein before provided, which Register or Book of Record shall be kept in a Box for this Purpose to be provided by each Parish with two Locks and Keys, whereof One to remain with the Rector or Minister, and the other with the Church Wardens or one of them AND BE IT FURTHER ENACTED that all and every such entry duly made and kept as aforesaid shall at all times hereafter be adjudged deemed and taken as An Authentick Record of all and every such Births Christnings Marriages and Burials in all Courts of Record in this Province, and if any Person or Persons hereby Authorized to make such entry, shall wilfully make or cause to be made any false Entry, or shall wilfully raze or deface any Entry so made, or if any other Person or Persons shall wilfully raze deface or imbezel any such Entry or Book of Record, he or they so offending, and being convicted thereof, shall be Guilty of Felony, and suffer Death, without benefit of Clergy AND BE IT FURTHER ENACTED by the Authority aforesaid, that each of the said Vestries respectively, shall appoint some fit person to be Clerk to such Vestry, who shall from time to time duly enter in a Book for this Purpose to be provided, the Minutes and proceedings of the said Vestry, and shall have the care and custody of all Books and Papers relative thereto PROVIDED allways, and it is the true intent and Meaning of this Act, that no Rector or Minister, is or shall hereby be invested with any Power or Authority to exercise any Eclesiastical Law or Jurisdiction whatsoever

Every Entry therein shall be deemed an Authentick Record in all Courts of Record in this Province--

Persons making any false Entry, or razing or defacing any Entry therein to be guilty of Felony & suffer Death.

Each Vestry to appoint a Clerk.

No Minister to exercise any Eccle-siastical Jurisdic-tion---

Jurisdic-tion.

soever; any thing in this Act contained to the contrary thereof, notwithstanding—

By Order of the House

DAV^{D}. MONTAIGUT Speaker

By Order of the upper House

PAT HOUSTOUN

In the Council Chamber the 15th. day of March 1758—

Assented to

HENRY ELLIS

(State Archives.)

AN ACT for limiting the Time for Persons Claiming Lands by Vertue of Warrants of Survey, Allotments nominal Titles, or Possession derived from and under the late honourable Trustees for establishing the Colony of Georgia, their President and Assistants or any others acting by and under their Authority—

Preamble

WHEREAS great Number of Town Lots and other Tracts of Land in different Parts of this Province that have heretofore been allotted by the Late honourable Trustees for establishing the Colony of Georgia or those acting under their Authority

For Claiming Lands.

Authority do now lye vacant and uncultivated, the several Persons to whom they are allotted being either dead or having left the Province to the great Hindrance of the Settlement of it and the Retardment of your Majesty's Quit-Rents AND WHEREAS the limitting a certain Time for all Persons, claiming Right to such Lots and Lands to put in and make good their Claims to the same or otherwise to be excluded therefrom would greatly tend to the Settlement and Cultivation of the Province by obliging such Persons to take out Grants for such Lots and Lands or else enabling your Majesty's Governour and Council to grant them to others We therefore pray your most sacred Majesty that it may be enacted And be it enacted by his Honour Henry Ellis Esq^r. Lieutenant Governour and Commander in chief in and over this his Majesty's said Province of Georgia by and with the Advice and Consent of the honourable Council and the Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same That all and every Person and Persons that now hold or claim to hold any Lot or Lots Tract or Tracts of Land in the said Province of Georgia by Vertue of any Warrant of Survey, Allotment, nominal Title, or Possession derived from and under the said Trustees their President and Assistants or any other acting by and under their Authority (such as hold under regular Grants passed under the common Seal of the said Trustees excepted) do and shall within three Years from and after the twentieth Day of March one thousand seven hundred and fifty Eight appear before the Governour and Council of the said Province in

Enacted

That every person possessed of any Lots or lands in this prov.e by Virtue of Warrt. of survey &ca. from the late Trustees, their president & assistants (except as herein Excepted) shall within 3 years from ye 20th March 1758 appear by themselves or substitutes before the Govr. & Council and prove & make good their Claim & Title to such Lots or Lands

in their own Persons or by their Attorneys or Substitutes lawfully constituted and prove and make good their Claim and Title to all and every such Lot or Lots Tract or Tracts of Land as they shall so hold or claim to hold in Manner aforesaid to the Satisfaction of the said Governour and Council, And all and every such Person and Persons having so proved and made good their said Claims and Titles, and the same being allowed of by the said Governour and Council, shall and do within six Months next after such Allowance take out the Kings Grants for the same in Failure whereof all and every such Claim and Claims to be void AND BE IT FURTHER ENACTED that all and every such Person and Persons that now hold or claim to hold any Lot or Lots Tract or Tracts of Land by Vertue of any Warrant of Survey Allotment, nominal Title or Possession as aforesaid (except as herein before excepted) that shall not appear before the Governour and Council of the said Province in their proper Persons or by their Attorneys or Substitutes lawfully constituted and shall not prove and make good their Claims hereto within the Time limited and in the manner as herein before directed all and every such Person and Persons shall and is and are hereby for ever after debarred and excluded from having any Right or Title to all and every such Lot and Lots Tract and Tracts of Land by Vertue of any such Warrant of Survey Allotment, nominal Title, or Possession as aforesaid and the same shall from thenceforth become forfeited and revert to his Majesty his Heirs and Successors AND BE IT FURTHER ENACTED that from and

That every person who has proved their Claim & Title & the same allowed shall within 6 Months take out a Grant for the same in failure whereof such Claim to be void

Persons possessed of lands by Virtue of Warrts &ca (except as before Excepted) that shall not appear by themselves in person or lawfull Attorneys to prove their Titles &ca within the time limited every such person ever after Excluded any Right or Title to such Lots or Lands & the same to revert to his Majesty, his heirs & successors

and immediately after the End and Expiration of the said Term of three Years all and every the said Lot and Lots Tract and Tracts of Land that shall not then have been claimed or the Title thereto approved of according to the Direction and true Intent and Meaning of this Act shall be and the same is and are hereby declared to be forfeited to his Majesty his Heirs and Successors and shall to all Intents and Purposes be deemed held and accounted as vacant Land And then and from thenceforth it shall and may be lawfull to and for the Governour and Council of the said Province for the Time being to issue Warrants for granting the same away as such to any Person or Persons whomsoever PROVIDED nevertheless that nothing herein contained shall vacate or prejudice the Right of any Person or Persons being within the Age of twenty one Years, Non Compos Mentis, or imprisoned, at the Commencement of this Act, so as such Person or Persons do make their Claim within three Years after he she or they shall attain the Age of twenty one Years, shall become of sound Mind, or be enlarged out of prison AND WHEREAS the Records of the first Surveys and Allotments made of Lands in this Province are very imperfect and the Surveyor-general by that Means unable to render an Account of such as have so been surveyed and allotted for Persons who are dead or absent from this Province as aforesaid Wherefore that this Business may be the better and more perfectly performed BE IT FURTHER ENACTED that all and every Person and Persons now resident in this Province or in the Province of South Carolina that hold or claim to hold any Lot or Lots Tract or

That from & after sd Term of three years every such Lots or lands not then Claimed in the manner directed by this Act, to be forfeited to his Majesty his heirs & successors & from thenceforth to be Vacant and to be granted away as such by the Govr & Council

But not to Vacate or prejudice the right of persons under the Age of 21 Years (non Compos Mentis) provided such Claim be made within 3 years after such Person shall attain the Age of 21 years —

Persons Resident in this prov. or the prov. of So Ca. possessed of lots or tracts of land in the said prov. of Georgia by Virtue of Warrts of survey &ca as aforesaid (except as

before Excepted) to appear before the Govr & Council within 18 Months from and after the 20th March 1758, to prove their Claim & Title to such Lots or lands & the same being allowed of, to take out a Grant within 3 Months, in failure whereof to be void & to be granted away as vacant land

or Tracts of Land in the said Province of Georgia by Vertue of any Warrants of Survey, Allotment nominal Title, or Possession, derived from and under the said Trustees for establishing the Colony of Georgia, their President and Assistants, or any others acting by and under their Authority (except as herein before is excepted) do and shall within eighteen Months from and after the Twentieth Day of March one thousand seven hundred and fifty Eight appear before the Governour and Council of the said Province of Georgia in their own Persons or by their Attorneys or Substitutes lawfully constituted and prove and make good their Claim and Title to all and every such Lot or Lots Tract or Tracts of Land as they shall so hold or claim to hold in Manner aforesaid to the Satisfaction of the said Governour and Council and such Claim and Title being allowed of do and shall within three Months next after such Allowance take out his Majesty's Patent and Grant for the same in Default and failure whereof all and every such Claim and Claims to be void And all and every such Lot and Lots Tract and Tracts of Land shall and may from thenceforth be patented and granted away as vacant Land in Manner as herein before directed any Thing in this Act contained to the contrary thereof in any wise notwithstanding AND to the Intent that no Person may plead Ignorance hereof this Act shall (as soon as conveniently may be after the said twentieth Day of March one thousand seven hundred and fifty Eight) be printed and an Abstract thereof shall be published in the London and South Carolina Gazettes PROVIDED always and be it further

This Act as soon as Conveniently may be from and after 20th March 1758 to be printed & an Abstract to be published in the London & So Ca Gazettes

further enacted by the Authority aforesaid that in Case his Majesty by his royal Proclamation issued at any Time before the twentieth Day of September one thousand seven hundred and fifty nine shall signify his Pleasure as to all or any of the Matters and Things in this Act Contained Then this Act and every or such Article Clause, and Thing therein shall cease determine and be utterly void, and Thing herein before contained to the contrary thereof in any wise notwithstanding—

That in Case his Majesty by his Royal Proclamation issued at any time before 20th Septr 1759 shall signify his pleasure as to the Matters in this Act Contained, then this Act to be void—

By Order of the upper House

PAT HOUSTOUN

By order of the Commons House - - -

DAV^{D}. MONTAIGUT Speaker

In the Council Chamber the 15th- Day of March 1758.

Assented to

HENRY ELLIS

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

to encourage white Tradesmen to Settle in the several Towns within this Province of Georgia by preventing the employing negroes & other Slaves being handicraft Tradesmen in the said Towns.

Title.

Whereas

To Encourage White Tradesmen to Settle.

Preamble.

Whereas the employing negroes & other Slaves in handicraft Trades in the American provinces particularly in the Towns within the said provinces hath proved a great discouragement to white Tradesmen becoming Settlers therein—To prevent the like evil in this your Majesty's province of Georgia & more effectually to Settle the same We humbly pray your most Sacred Majesty that it may be Enacted And be it Enacted by His Honour Henry Ellis Esquire Lieutenant Governor & Commander in Chief of the province of Georgia by & with the advice & Consent of his Majesty's Honourable Council & the Commons House of Assembly of the said province in General Assembly met. And by the authority of the same; That from & after the thirteenth day of September in the year of our Lord one thousand Seven hundred & fifty Eight it shall not be Lawfull for any person to hire or employ in the Towns of Savannah Ebenezer Augusta & Frederica or in any other Town or Towns which now are or shall hereafter be laid & erected within this Province any Negroe or other Slave in any handicraft Trade except as herein after is excepted. And any person employing any Negroe or other Slave in any handicraft Trade in the said Towns after the said thirteenth day of September one thousand Seven Hundred and fifty eight shall forfeit ten shillings sterling a day for every day such Negroe or other Slave shall be so employed, to be recovered and applied as is herein after directed—And for as much as the preventing of Negroes or other Slaves from working as artificers within the Towns of this Province as aforesaid may induce white Tradesmen

Enacted, that after 13th Septr. 1758 no person shall hire in Savannah, Ebenezer Augusta & Frederica or other towns in this province any handicraft Slave except as in this Act is excepted under forfeiture of 10s/ a day.

or

or Artificers to make Exorbitant Demands for their respective Work For remedy whereof. Be it further Enacted by the authority aforesaid that it shall & may be Lawfull for the Commissioners herein after named to assemble themselves at the Court House in Savannah the first Tuesday in August next & so yearly and every year on that day. And then and there Conferring together & taking into Consideration the plenty or Scarcity of the times and other circumstances necessarily to be considered, they or any five of them shall have authority by Vertue of this Act to Limit rate and appoint the Price of the work of all Carpenters Joiners Bricklayers and Plaisterers either by the day week or Month or by the square pannel Thousand yard or otherwise or other Tradesmens worn where the prices of the same can be Ascertained And the said Prices so Limitted rated & appointed they the said Commissioners shall with the Considerations and Causes thereof certify under their hands & Seals unto the Governor & Council of the said Province for the time being for their approbation and allowance who shall cause the same to be entered in the Secretarys Office and published in the Several and respective towns of this Province. And be it further Enacted by the authority aforesaid that if any Carpenter, Joiner, Bricklayer, Plaisterer or any other Tradesmen being applied to by any person or persons in the Towns aforesaid desirous to employ them or any of them in their respective Business at the rates & prices so limited rated and appointed as aforesaid shall refuse to undertake the same such person or persons so wanting any of the aforesaid Workmen shall publish

The Commissioners by this Act appointed, once a year to rate the price of Tradesmens work, & Certify the same to the Governor & Council who shall Cause the same to be Entered in the Secretarys Office, and published in the several towns in this province.

Tradesmen being applyed to to work at the rated price and refusing so to do, the person applying shall advertise the work to be done in the most publick place of the town where the same is to be performed three days successively, and if no Tradesman shall offer to undertake the work, at the rated price in that time, and Oath being made thereof before one Justice such person may employ Slaves in that particular work.

publish an Advertisement to that purpose in the most usual & publick Place of the Town where such Work is Intended to be done for three days at Least Successively, And if no Carpenter Joiner Bricklayer or plaisterer or other Tradesmen shall within the said Term of three days offer to undertake such work at the prices rated & appointed as aforesaid and oath being made before any one Justice of the Peace of such refusal and publication. Then it shall & may be Lawfull to and for such person or persons to engage and employ in that particular work any negroe or other slave Artificers without Limitation. Provided always and be it further Enacted by the authority aforesaid that this Act nor any thing in the same shall be construed to extend to debar any person from hireing or employing Negroes or other Slaves in the said Towns as Ship wrights Calkers, Sawyers, Coopers, porters, or ordinary Labourers. Provided also and it is the true intent and meaning of this Act that no handicraft Tradesmen in the Towns aforesaid owning not more then one negroe or other Slave before the passing this Act who hath really been brought up to the Trade his owner follows & hath been known deemed & reputed to follow and occupy for his support & maintainance in this province for one year before the passing this Act shall be debarred the privilege & benefit of such negroe or other slaves Work. And be it Further enacted by the authority aforesaid That the Honourable Noble Jones Esq^{r}. Joseph Ottolenghe, William Francis, Henry Yonge, Thomas Rasberry, William Ewen, John Milledge, Joseph Butler, and John Graham Esq^{rs}. are hereby appointed Commissioners

this Act not to Extend to debarr any person from, employing Slaves in the said towns as shipwrights Caulkers, Sawyers Coopers porters or Ordinary labourers.

Nor to debarr any Trades-man in the said towns owning not more than one Slave, before the passing of this Act, brought up to his Owners Trade, the benefit of such Slaves Work.

The Commissioners appointed.

sioners and impowered to Limit rate and appoint the price of all Carpenters, Joiners, Bricklayers plaisterers or other Tradesmens work yearly & every year on the day and in such manner & form as in and by this Act is before directed And in case any of the Commissioners shall refuse to take the Office upon him the party so refusing shall forfeit & pay the Sum of Forty Shillings Sterling to his Majesty to be applyed for the use of the Province and recovered as herein after is directed. And Be it further Enacted by the authority aforesaid that in Case of the death or refusal to Act or removal from this Province of any of the said Commissioners it shall & may be Lawfull for the Governor & Council of the said Province for the time being to nominate and appoint another Commissioner or Commissioners in the room of him or them who shall happen to die refuse to act or depart this province. And such Commissioner or Commissioners so nominated and appointed shall have the same powers for the purposes aforesaid as the Commissioners herein named And be it further Enacted by the Authority aforesaid, that in case of any Calamity happening by fire devasion by an Enemy or otherwise or it shall be found necessary to erect Forts or other publick Works in any of the said Towns or other Town or Towns which now are or shall hereafter be laid out in this province and there shall be not a sufficient number of white Tradesmen to effect the same within an expedient time then it shall be Lawfull for the Governor and Council of this province for the time being to hire and employ and to permit to be hired and employed as many Negroes or other Tradesmen

Any Commissioner refusing to Act to forfeit forty shillings.

the Governor & Council to appoint Commissioners in the room of those dieing, refusing to Act, or departing this Province.

In what cases Negroes may be employed by permission of the Governor & Council.

Tradesmen as shall be Judged Necessary to execute the Service thereby intended any thing in this Act to the Contrary in any wise notwithstanding. And be it further Enacted by the authority aforesaid that the several fines and forfeitures herein before mentioned & which may be incurred by Vertue of this Act shall be Levied and recovered by Warrant of any Justice of the Peace of the Town where the offence shall be committed by distress & Sale of the Offenders Goods on the oath of one Creditable Witness one half to the Informer and the other half to the use of the poor of the said Town. And be it further Enacted by the authority aforesaid that this Act shall continue remain and be in full force and Vertue for and during and unto the full end and Term of Seven years from and after the Commencement of the same

Fines and forfeitures how to be recovered.

Continuance of this Act.

By order of the House

Dav^d. Montaigut Speaker.

By order of the Upper House

Pa^t. Houstoun.

In the Council Chamber the 15^th day of March 1758.

Assented to

Henry Ellis

From

For Preventing the Enemy Being Supplied With Provisions.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For preventing the Enemy from being supplied with cattle and Other Provisions from this Province—

Preamble.

Whereas sundry live Cattle and other Provisions are daily bought up and Conveyed over land from this Province for the use of the Enemy to the manifest Injury of his Majestys Service and great Detriment to this Colony, For Remedy whereof and to prevent as much as may be the like Evil Practice for the future We pray your most Sacred Majesty that it may be Enacted And be it Enacted by his Excellency Henry Ellis Esquire Governor and Commander in Chief in and over His Majestys said Province of Georgia. By and with the advice & Consent of the Honourable Council and Commons House of assembly of the said Province in General Assembly met and by the Authority of the same that from & after the twelfth day of December One thousand Seven Hundred and fifty eight if any person or persons shall drive carry or convey or cause to be driven carried or conveyed any Cattle Horses Sheep Swine Beef Pork Biscuit Corn Rice or flower or any other Provisions whatsoever (except such Cattle Horses Sheep Swine Beef Pork Biscuit Corn Rice or flower or other Provisions as shall be necessary for the immediate Support of his or their family or familys) or shall load or put the same on board any Boat Canoe or Perriagua or any other Vessel in order to be transported and convey[d] to the Southward

Enacted.

that from & after 12th. decr. 1758 any persons drivg. carrg. &ca. any Cattle Horses &ca. (except as herein excepted) or who shall load or Ship on board any Vessel Boat &ca. to be transported to the Southwd. of the River of Great Ogechee without Licence for that purpose the Constable or other person may Seize the Same & on Conviction of Offender upon Oath before two or more Justices of yt. District where such

Cattle Horses &ca. shall be so Seized may Issue their Warrt. for Sale thereof as forfeited.

ward of the River of Great Ogechee without Licence or permission first Had and obtained under the hand and Seal of one or more Justices of the Peace of the Province or of the District where such person or persons shall reside it shall and may be Lawfull for any Constable or other person to Seize and detain the same and on due Conviction of the Offender upon Oath before two or more Justices of the Peace of the District where such Cattle Horses Sheep Hogs Beef Pork Biscuit Corn Rice or Flower or other Provisions shall be seized such Justices shall & may issue their Warrant for disposing thereof as forfeited one Moiety of the Produce of such forfeiture to be paid to his Majestys Treasurer for the use and Defence of the Province and the other Moiety thereof to the use of the person who shall make such seizure, And be it further Enacted by the authority aforesaid that any Constable or other person seizing any Cattle Horses Sheep or Swine Beef Pork Biscuit Corn Rice or flower or other provissions by Virtue of this Act shall forthwith give information thereof together with the particulars of the things so Seized to a Justice of the Peace for the Province or District where such Seizure shall be made and the Justice before whom such Information is made shall and is hereby required immediately to issue a Summons or Summonses to one or more of the neighbouring Justices of the Peace of that or the next District requiring his or their attendance on a Certain day and at a certain Place to be inserted in the said Summons or Summonses, and then & there to hear & determine upon such Information and seizure in manner as is directed by this Act And in

Constables &ca. seizing any Cattle Horses &ca. to give Information thereof with things seized to a Justice of the Peace for ye. District where Seized & the Justice impowered to Summn. one or more Justice or Justices to his attende. Specifyg. therein the time & place.

Case

Case the Justice before whom such Information is made shall neglect or refuse to issue such summons or Summonses or in Case the Justice or Justices so summoned shall neglect or refuse to give his or their Attendance at the time & place specified in such Summons each and every of the said Justices shall forfeit and pay for every such Offence a Sum not exceeding fifty Pounds Sterling the same to be recovered by Information or Action of Debt in the General Court of this Province upon due proof of the Offence by one or more credible Witnesses the same to be brought and Commenced within three Months after the Offence committed such forfeiture to be applied in like manner as before by this Act is Directed, And be it Enacted by the Authority aforesaid that if any Person or Persons shall attempt to drive transport or convey over the River Alatamaha or within ten miles thereof or the Branches thereof (without Licence from the Governor or Commander in chief for the time being first had and obtained in manner as herein after is Provided) any cattle Horses Sheep Swine Beef Pork Biscuit Corn Rice or Flower or other Provissions whatsoever (except as aforesaid) it shall and may be Lawfull for any Constable or other Person or Persons as aforesaid to Seize the same, and on Conviction of the Offender as aforesaid, the cattle Horses Sheep Swine or other Provissions so Seized shall be & are hereby forfeited, & shall & may be disposed of in like manner as herein before directed. Provided always and be it Enacted that in Case any Person or Persons shall drive transport or Convey or cause to be driven transported or Conveyed over the river Alatamaha or

Justice before whom Information is made neglectg. or refusg to issue such Summon or Justice Summoned neglectg. to attend to forfeit L50 Steg. to be recovd. by Action of Debt. &ca.

&ca. any Cattle Horses &ca. over the river Alatamaha, without Licence from the Govr. or Commandr. in Chief (except as before excepted) Liable to be Seized as forfeited.

Proviso.

persons drivg. transportg. &ca. over the River Alatamaha &ca. any Cattle horses &ca. except as before excepted without Licence as herein after directed to forfeit L200 Stg. to be recovd. by action of debt &ca. the Offender havg. no Goods &ca. to suffer 12 Months imprisonment.

or the Branches thereof or to any Part or Parts to the Southward of the Island of Cumberland and not under the Dominion of or subject to the Crown of Great Britain any Cattle Horses Sheep Swine Beef Pork Biscuit Corn rice or flower or other Provissions whatsoever (except as before excepted) without Licence as hereinafter mentioned such Person or Persons shall severally forfeit and pay the sum of Two Hundred Pounds Sterling, the same to be recovered by Information or Action of Debt in the General Court of this Province, upon due proof of the Offence by one or more Credible Witness or Witnesses the same to be commenced within three Months after the Offence Committed such forfeiture to be applied as already directed by this Act and in Case the Offender or Offenders shall not have Effects to Satisfye such forfeiture he or they shall suffer twelve Months imprisonment Provided always that any Cattle Horses Sheep or Swine being the property of any Person residing in the Parish of S^{t}. Andrew that shall be found within ten miles of the river Altamaha or the Branches thereof and not being attempted, or about to be driven or carried over the said River or the Branches thereof shall not be Liable to the said forfeiture. And be it further Enacted by the Authority aforesaid that any one or more Justice or Justices of the Peace of this Province or of any District thereof shall and is and are hereby required on application to him or them made by any person or Persons who shall or may have Occasion to drive transport carry or Convey any Cattle Horses Sheep or Swine, or any Beef Pork Biscuit Corn Rice or flower or other Provissions to the Southward

proviso. that any Cattle Horses &c being the property of any person residg. in St. Andrews Parish found within 12 miles river Alatamaha & not driven &ca. over sd. river not Liable to said forfeiture.

Justice upon application made by persons to drive transpt. &ca. any Cattle &ca. to Southwd. of Ogechee River impowered to grant a License specifying the particulars in said Licence.

Southward of the River Ogeeche either by Land or water or to any other parts of this Province to grant unto such person or persons so requiring the same License & permission under his hand and Seal or their hands and Seals for the driving transporting and conveying such Cattle Horses Sheep Swine Beef Pork Biscuit Corn Rice or Flower or other Provissions the Particulars whereof shall be inserted in such Licence, and such Justice or Justices before the granting thereof shall and is and are hereby required to take Bond from the Person or persons requiring such Licence (with one Surety known to reside in the Province and of ability to answer the Penalty) in double the Value of the Cattle Horses Sheep or other things specified in such Licence for the due compliance therewith and that the Cattle Horses Sheep or other things contained in such Licence shall not be driven transported carried or conveyed by land or Water to the Southward of the River Alatamaha or the Branches thereof or beyond and without the Limits of this Province and such Justice or Justices shall and may take and receive the Sum of one Shilling & Six pence for such Bond & Licence and no more, And be it further Enacted by the Authority aforesaid that if any Person or Persons shall Sell traffick Barter Exchange or Deliver or cause to be Sold trafficked Bartered exchanged or Delivered to any Person or Persons not residing in this Province any Cattle Horses Sheep or any other Provissions except as before excepted such person or persons so Selling or trafficking as aforesaid without Licence from a Justice of the Peace for that purpose first had

Justice to take Bond of persons applying for Licence with one Surety in double the value of ye Cattle &ca. Justices fee for Bond and Licence 1s/6d—

Any person selling traffickg. Barterg. &ca. with any person not a resident in ys Province (except as before Excepted) such person so sellg. &ca. without License as afd. for that purpose liable to ye. like forfeiture.

had & obtained as before herein Directed he or they so offending are hereby made Liable to the same Forfeiture, as if he or they had carried driven or conveyed the same beyond the river Alatamaha,

Any Slave aiding or assistg. to drive transport &ca. any Cattle &ca. as aforesd. to be seized & upon Convictn. before two or more Justices to be forfeited & delivd. to Provost Marshall to be sold at publick Outcry the one Moiety to his Majesty & the other to the person by whom Seized—

And be it further Enacted by the authority aforesaid that if any Slave shall be aiding or assisting to drive transport carry or convey any Cattle Horses sheep or Swine or any beef pork Biscuit Corn or flower or other provissions as aforesaid such Slave or Slaves shall & may be Seized by any Constable or other Person and after due conviction of the said Offence (before two or more Justices of the Peace in manner & form as before Directed) shall be forfeited & Delivered to the Custody of the Provost Marshall of this Province & by him Sold at publick auction twenty days after such Delivery Notice being first duly published for such Sale naming the day time & place for such Auction & one Moiety arising from such Sale after all Lawfull Charges are deducted shall be to his Majesty for the Defence of this Province and the other moity to him or them making such Seizure, Provided always and

No person to drive &c. any Cattle Horses &ca. beyond & without the Limits of this Province or within 10 miles of ye river Alatamaha (except as before excepted) without Leave from Commander in Chief under pain of being Seized.

Be it Enacted by the authority aforesaid that no person or persons whatsoever shall drive transport carry or convey by Land or Water any Cattle Horses Sheep Swine Beef Pork Biscuit Corn Rice or Flower or any other Provissions whatsoever beyond and without the Confines & Limits of this Province or within ten miles of the river Alatamaha or the Branches thereof (except as before excepted) without Leave or permission for so doing first had and obtained from the Governor or Commander in Chief for the time being the same to be granted only

only on Security to be given in like manner as required by his Majestys Royal Proclamation of the second of february One thousand Seven Hundred and fifty Seven for laying an Embargo on all Ships & Vessels clearing out with Provissions from this Province in default and failure thereof the same shall is and are hereby made Liable to be Seized and forfeited as aforesaid And be it further Enacted by the authority aforesaid that in Case the aforesaid Justice or Justices Constable or Constables or other person or persons or any of them shall be Sued or impleaded for any thing that he or they shall act & do by virtue and in pursuance of and in Compliance with this Act it shall and may be lawfull for the said Justices, Constables, or any other persons or any of them to plead the General Issue, and this Act and the special Matter in Evidence which shall be allowed as good & valid to all intents & purposes whatsoever in bar of such Suit or Action in any of his Majestys Courts in this Province; any Law Custom or usage to the Contrary thereof notwithstanding And be it further Enacted by the authority aforesaid That this Act shall continue and be in force during the present War with the French King and no Longer.

Justice &ca. sued for anything done, by virtue of ye Act such Justce. &ca. may plead the General Issue.

Continuance of this Act.

By order of the Upper House

PA^{T} HOUSTOUN President:

By order of the House

DAV^{D}. MONTAIGUT Speaker

Assented to 12th December 1758.

HENRY ELLIS.

From

For Regulating the Watch in the Town of Savannah.

(From B. P. R. O., B. of T., Georgia.)

AN ACT

For regulating the Watch in the town of Savannah.

Preamble.

Whereas the Act for establishing a Watch in the town of Savannah is in many respects deficient and ineffectual for the purposes thereby intended for remedy whereof We humbly pray your most Sacred Majesty that it may be enacted and Be it Enacted by his Excellency Henry Ellis Esquire Captain general and governor in chief of the province of Georgia, by and with the advice and Consent of the Honourable Council, & Commons House of Assembly of the said province in General Assembly met, and by the authority of the same, That from & after the twenty ninth day of March next a nightly Watch shall be kept at the Watch House in the town of Savannah consisting of four able bodied Watchmen and one Constable who shall constantly do duty in the said town every night throughout the year at such hours as shall be appointed by the superintendants herein after named, which said Watchmen shall be hired by the Church Wardens and Vestry of the parish of Christ Church annually for the space of one whole year at the rate of one Shilling sterling for each man for one night And be it Enacted by the authority aforesaid that the Justices who are residents of the town of Savannah together with the Church Wardens & Vestry of the parish of Christ Church are hereby declared to be Superintendants of the said Watch. And the said Superintendants

Enacted.

Justices Residents of ye Towns of Savannah together with Church Wardens & Vestry of Christ Church parish shall be superintendants of the Watch & are hereby impowered to raise a Sum not exceeding One Hundred & three Pounds, by an Assessment, on all & every the Householders Inmates &ca.

ants or any Seven of them are hereby impowered and authorized to issue Such Orders & directions to the Constables from time to time as they shall find necessary for regulating and Settling the said Watch, and in Order to defray the charges of the said Watch the said Superintendants are hereby impowered to raise a Sum not exceeding one hundred & three pounds by a proportionable Assessment on all & every the Householders and Inmates & Male Inhabitants of the town of Savannah of the Age of Sixteen years & upwards. And the Church Wardens of the parish of Christ Church shall give public notice by Advertisement of the time of meeting of the said superintendants, for making such Assessment and every superintendant that shall not attend at the time of making the said Assessment without a reasonable excuse, shall forfeit and pay the Sum of forty shillings sterling to be recovered by Warrant under the hands and Seals of any seven of the said superintendants, that are met for that purpose, and Be it Enacted by the authority aforesaid, that all public Buildings within the said town shall be liable to the said Assessment & the Sums so assessed on them respectievly shall be paid by the public Treasurer out of the general Tax into the Hands of the said superintendants, and the Constables and Watchmen shall be liable to the said Assessment and the said Superintendants in making such assessment shall rate or assess none more than twenty shillings sterling per annum (public Buildings only excepted) which said Assessments shall be paid into the hands of the said Superintendants once in every three Months according to the rates above

Church Wardens of Christ Church Parish to give Notice by Advertisement of the time of meeting the said Superintendants to make an Assessment who neglecting to attend shall forfeit 40s/ sterg.

Publick Buildings Liable to be assessed & the Sums assessed respectively shall be paid by the Publick Treasurer out of the General Tax to the said Superintendants who shall rate or assess none more than twenty shillings ₰ Annum (publick Buildings only excepted.)

persons assessed refusing or neglecting to pay to the said Superintendants the Sums assessed within ten days after Notice given, the same to be recovered by Warrant of Distress &ca.

above mentioned and the said Superintendants shall give Notice by advertisement when the same shall be paid. And if any person or persons so assessed shall refuse or neglect to pay into the hands of the said superintendants the Sums so assessed on them respectively within the space of ten days after notice is given them thereof as aforesaid the same shall be recovered by Warrant of distress and Sale under the hand & Seal of one or more of the Justices of the said town of Savannah directed to any lawful Constable of the parish of Christ Church, and Be it Enacted by the authority aforesaid, that the said Watchmen respectively shall provide themselves each with a good gun, a Catridge Box with Six Catridges at least filled with good Gun powder and a Ball in each, and also with a Hanger and Bayonett which said Arms and Accoutrements shall every night be carefully inspected by the Constable of the night, before the setting of the Watch, and every of the said Watchmen shall follow and obey all such Orders & directions as he shall receive from the Constable of the night, & shall also assist each other in suppressing and detecting every disorder or robbery that shall be committed within the said town during the Watch hours, and shall Safely convey the Offender or Offenders to the Watch house and deliver him her or them into the Custody of the Constable for the night and the said Constable is hereby directed to detain every such Offender or Offenders untill the next morning and shall then convey him, her or them before any Justice of the peace for further Examination And the said Watchmen shall Seize & apprehend every negroe and

Watchmen in what manner to be accoutered.

Watchmen duely to observe the orders given by the Constable of the night.

and other Slave that shall be found in any of the streets or passages within the said town not having a Tickett or token from their respective Owners or a white person in Company with him her or them and if such Slave so taken up can not give a satisfactory account of the Business that he or she was then employed in for his or her Owners Service, such Watchman shall immediately inform himself from the Owner or person to whom the said Slave was Sent if living in the town, and if it appears that the said Slave was not employed by the owner he or she by the direction of the Constable shall be whipped on the bare back by one of the Watchmen with a Cow Skin Switch or horse Whip not exceeding twenty lashes and then discharged. And if any Country Slave or Slaves shall be taken up as aforesaid by the Watch the Constable of the night shall cause the said Slave or Slaves to be immediately whipped as aforesaid and then discharged unless the said Constable shall have reason to believe such Slave or Slaves to be run away in which case he she or they shall be detained in the Watch house till the Morning, and shall then be carried before any Justice of the peace for further Examination. And the said Watchmen shall have full power and they are hereby authorized and impowered to Enter into any disorderly tipling house either of white persons free negroes or others suspected of harbouring trafficking or dealing with negroes & shall apprehend & correct every disorderly Slave there found by whipping as aforesaid. And in case any accident shall happen by fire during the Watch hours, the said Watchmen respectively shall immediately

Watchmen to apprehend Negroes &ca. found within any of the Streets &ca. without a Ticket or Token &ca.

Slaves catched in any of the Streets &ca. to be whipped not exceeding Twenty Lashes. Country Slaves taken up as above by the Watch Constable to cause sd. Slave to be whipd. & then discharged unless he has reason to believe said Slave to be runaway in which Case to be detained.

Watchmen to enter into any Disorderly House suspected of Harbouring &ca. Negroes.

In Case of fire breakg. out in Watch Hours the Watchmen immediately to Alarm the nearest Inhabitants.

diately alarm the nearest Inhabitants in danger, & shall also be assisting in extinguishing the same And if any of the said Watchmen shall be intoxicated with liquor during the Watch hours or shall not to his utmost do and perform every duty required of him by this Act, he shall upon due proof thereof on the Oath of one or more creditable Witnesses before any Justice of the peace forfeit and pay the sum of five Shillings Sterling for every such Offence to be recovered in manner as herein before directed for other fines and to be apply'd towards the repair of the watch house. And be it Enacted by the authority aforesaid, that the Six Constables for the time being shall be paid the Sum of twenty Shillings Sterling each to provide fire and candles for the use of the watch house during their turn of duty, and the Sum of four pounds each for their attendance upon the said Watch, and one Shilling sterling shall be paid to each Watchman for every night they may have served, which said payments the superintendants are hereby required to make at four quarterly payments. And Be it Enacted by the authority aforesaid that if any person or persons shall fire or cause to be fired any great gun or shall arm in the town or harbour of Savannah after Sun Set without leave or permission from the Governor or Commander in Chief for that purpose first had & obtained such person or persons so offending shall be subject and liable to a fine of twenty Shillings for every great gun and the Sum of five Shillings sterling for every small arm so fired to be levied and recovered by Warrant of distress by any Justice of the peace of the town of Savannah upon due proof

Watchmen m Liquor upon proof thereof to forfeit five Shillings.

The Six Constables to be paid twenty shillings to provide fire & candles & also the Sum of four Pounds each for their attendance & one Shilling ₰ night to each Watchman.

persons fireing any Great Guns or small Arms in yee. Town of Savannah &ca. after Sun Set without leave from the Govr. &ca. such person subject to a fine of Twenty Shillings for every Great Gun & five Shilgs. for every small arm upon due prcof &ca.

proof on the Oath of any creditable Witness, and in case no distress can be made on the goods & Effects of such Offender or Offenders he or they may be committed to the common Goal there to remain in close Confinement for a space not exceeding ten days, unless good Security is given for his or their better Behaviour, and the said fine shall be one half to the informer, & the other half for the relief of the poor of the parish of Christ Church and the said constable & Watchmen during the Watch hours shall upon the fireing of any gun or guns as aforesaid make due enquiry where and by whom such Offence is committed, and endeavour to detect and apprehend the Offender or Offenders and detain him or them in the Watch house until the next morning and make regular Information before a Magistrate as aforesaid. And Be it further Enacted by the authority aforesaid that this Act shall continue and be in force for and during the space of five years from the passing the same, and from thence to the End of the next Session of the general Assembly and no longer.

Offenders havg. no Goods &ca. whereon to Levy to be Committed to Goal for the space of Ten days unless Security be given.

Constables &ca. upon ye firg. of any Gun to make Enquiry by whom ye same was fired & to detect and detain ym. in the Watch House till the next morning &ca.

Continuance of this Act.

DAV^{D}. MONTAIGUT Speaker.

By order of the Upper House

PAT: HOUSTOUN President.

Assented to y^{e} 27th day of March 1759.

HENRY ELLIS.

From

(From B. P. R. O., B. of T., Georgia.)

AN ACT

To continue several Acts of the general Assembly of this Province.

Preamble.

Enacted.

That an Act of the Last Sessions for raising a fund by an impost on Shipping &ca. passed Seventh March 1755 expirg. the next Sessions of ye General Assembly within three years, after the commencing thereof continued till the Seventh March 1764 and from thence to the end of the next Sessions.

An Act for the better ordering & Governing Negroes &ca. in ys Province passed 7th. March 1755 which

Whereas several usefull and necessary laws of this province are now expireing We therefore pray your most Sacred Majesty that it may be Enacted And be it Enacted by his Excellency Henry Ellis Esquire captain general and governor in chief of his Majestys province of Georgia, by and with the advice & consent of the Honourable Council, and Commons House of Assembly of the said province in general Assembly met and by the authority of the same, That an act of the last general Assembly intituled an Act for raising a fund by an Impost on Shipping to defray the Expence of keeping the light House on Tybee Island in repair, and for building an House there for the pilott passed the Seventh of May One thousand Seven Hundred & fifty five which was to be in forec for three years from the said seventh of March One thousand seven Hundred & fifty five, and from thence to the End of the next Session of the general Assembly shall be and the same is hereby continued from the Expiration thereof until the Seventh day of March One thousand Seven hundred & Sixty four, and from thence to the end of the then next Session of the general Assembly & no longer. And Be it further Enacted by the authority aforesaid that another Act of the last General Assembly intituled an Act for the bettering

tering Ordering and Governing of Negroes and other Slaves in this province passed the Seventh of March one thousand Seven Hundred & fifty five which was to be in force for three years from the said Seventh of March one thousand Seven Hundred & fifty five and from thence to the End of the next session of the general Assembly shall be and the same is hereby continued from the Expiration thereof until the Seventh day of March one thousand Seven Hundred & Sixty four and from thence to the End of the then next Session of the general Assembly and no Longer. And be it Enacted by the authority aforesaid that an Act of the last general assembly intituled an Act to impower the Several Surveyors hereafter named to lay out public roads in the province of Georgia passed the Seventh of March one thousand Seven Hundred & fifty five and also an Act of this present General Assembly intituled an Act for explaining and amending an Act to impower the Several Surveyors hereafter named to lay out public roads in the province of Georgia passed the Seventh of March one thousand Seven Hundred and fifty five and also an Act of this present general Assembly intituled an Act for explaining & amending an Act to impower the Several Surveyors hereafter named to lay out public roads in the province of Georgia passed the Eight of february one thousand Seven hundred & fifty Seven, which said Acts were to be in force for two years from the said Eight day of february one thousand Seven Hundred & fifty Seven and from thence to the End of the next Session of the general Assembly shall be and the same are hereby continued from

was to be in force for three years from 7th March 1755 continued from Expiration thereof untill 7th. day March 1764 & from thence to the end of the next Sessions of the Genl. Assembly.

An Act to impower Surveyors to Lay out Publick Roads passed 7th March 1755 & also an Act for explaining and amending aforesaid Act passed ye Eigth day of February 1757 which was to be in force for Two years from sd. eigth February 1757 the same Continued from Expiration thereof untill Seventh day of March 1764 and from thence to the end of the next. Sessions of the General Assembly.

from the Expiration thereof untill the Seventh of March, one thousand Seven Hundred & Sixty four and from thence to the End of the then next Session of the general Assembly and no longer And Be it further Enacted by the authority aforesaid than an Act of this present general Assembly intituled an Act to oblige the Male white persons in the province of Georgia to carry fire arms to all places of public Worship passed the twenty third of July one thousand Seven Hundred & fifty Seven which said Act was to be in force for two years from the said twenty third of July one thousand Seven Hundred & fifty Seven, shall be and the same is hereby continued from the expiration thereof untill the Seventh of March one thousand Seven Hundred & Sixty four and from thence to the End of the then next Session of the general Assembly and no longer.

Act to oblige the Male White persons in the Province of Georgia to carry fire arms to places of Publick Worship which was to be in force for two years from twenty third July 1757 continued untill the seventh March 1764.

DAV^{D}. MONTAIGUT Speaker.

By order of the Upper House

PA^{T}. HOUSTOUN President

Assented to 27th day of March 1759.

HENRY ELLIS.

From

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For Erecting a Public Magazine.

Whereas it is highly necessary in this time of public danger that a proper Magazine should be erected for the receiving & safe keeping gun powder. And Whereas by an Act of this general Assembly intituled an Act for raising a public Store of gun powder for the defence of this province it is provided that in Case any Master or Commander of any Ship or Vessell liable to pay the therein imposed duty of four Ounces of gunpowder for every ton according to the Tunage expressed in the Register of his Ship or Vessell being deficient in the said quantity of gunpowder should pay into the hands of the clerk of the Naval Office the Sum of Six pence Sterling for every four Ounces of powder which he should be so deficient in. And whereas by virtue of the said Act the sum of fifty nine pounds, Six Shillings and Six pence Sterling has been paid to, and received by the Clerk of the Naval Office which said Sum, as also the farther produce of the said duty remains unappropriated We therefore pray your most sacred Majesty, that it may be Enacted and Be it Enacted by his Excellency Henry Ellis Esquire Captain general, governor & Commander in chief of his Majestys province of Georgia by and with the advice & Consent of the Honourable Council and Commons House of Assembly of the said province in general Assembly met and by the Authority of the

Preamble

Enacted

That the Commissioners herein shall cause a Magazine of Bricks or Stone sufficient to contain 500 Barrils in or near the Town of Savannah. The Sum of fifty Nine Pounds Six & Six pence to be applied towards defrayg. the Expence of Building said Magazine & to be issued by his Excellency in Council or Commr. in Chief for time being.

the same, That the Commissioners herein after appointed shall cause to be Erected in or near the town of Savannah a Magazine of Bricks or stone sufficient to contain five hundred barrils of powder. And be it Enacted by the authority aforesaid that the Sum of fifty nine pounds Six Shillings and Six pence now in the hands of the Clerk of the Naval Office received by him in lieu of the duty imposed by the afore recited Act shall be by him paid into the hands of the public Treasurer, and shall be apply'd towards defraying the expence of building and Erecting the said Magazine, & shall from time to time be Issued by order of the Governor or Commander in chief for the time being with the advice of his Majestys council on a Certificate to be produced under the hands of the Commissioners herein after named or the majority of them that the work or service was duly performed & executed. And

Commissioners appointd.

Be it further Enacted by the authority aforesaid that the Honourable Jonathan Bryan and Noble Jones Esquire, John Graham, Lewis Johnston and William Handley Esquires shall be and they are hereby appointed Commissioners for putting this Act into Execution. And in case of the death departure from the province or refusal to Act of any of the said Commissioners hereby appointed it shall & may be lawfull for the Governor or Commander in Chief of this province for the time being with the advice of his Majestys Council to appoint one or more Commissioner or Commissioners in the room of him or them so dying refusing to Act or departing this province, who shall have the same power and authority and shall be subject to the same penalties

Commissioners dying refusing act &ca. the Govr. or Commr. in Chief with ye advice of his Majestys Council, to appoint one or more Commissioners &ca. in the room of those dying &ca.

alties as the Commissioners in and by this Act nominated and appointed, and in Case any of the Commissioners herein and hereby appointed or any other Commissioners hereafter to be appointed shall neglect or refuse to Act every such Commissioner so neglecting or refusing shall forfeit & pay a Sum not exceeding three pounds Sterling to be recovered as hereinafter directed. And Be it further Enacted by the authority aforesaid that all gun powder Imported by or belonging to the merchants and Storekeepers or any other person or persons of the town of Savannah over & above fifty pounds weight in each Store shall be delivered to the person appointed by the Governor or Commander in chief for the time being to receive the same and lodged in the said magazine, and every Merchant or Storekeeper neglecting the same shall forfeit and pay the Sum of Ten pounds Sterling to be recovered as herein after directed And be it Enacted by the authority aforesaid that the powder receiver shall be paid by the respective Owners of the powder to be lodged in the said magazine the Sum of one Shilling per barril per one hundred weight and so in proportion for a lesser quantity, for receiving the powder into and delivering the same out of the said Magazine. And the powder receiver shall also be allowed one Shilling in the pound for all Moneys he shall from time to time receive from the Masters of Vessels lyable to pay the same in lieu of the powder duty in the afore recited Act mentioned And be it further Enacted by the authority aforesaid that when the said magazine shall be compleatly finished, and the expences thereof fully discharged the powder receiver

Commissioners neglectg. or refusing to act to forfeit L3 Sterling.

Gun powder belonging to Merchants &ca. of ye Town of Savannah over & above 50lb. in each Store to be delivered to the receiver of Powder to be appointed, to be Lodged in ye. Magazine & upon neglect to forfeit L10 Sterg.

Fees of the Powder Receiver.

The expense of Buildg the Magazine being paid the powder receiver from thence fortn to lay out all Monies received from Masters of Vessels in lieu of ye Powder Duty in ye Purchase of Gun Powder.

receiver shall from thenceforth lay out all Monies that he shall receive from the Masters of Vessells in lieu of the aforesaid powder duty in the purchase of gun powder to be lodged in the aforesaid magazine for the public Use. And be it further Enacted by the authority aforesaid that all powder to be from time to time delivered out of the said magazine for the public Service shall be by order of the governor or Commander in chief for the time being with the advice of his Majestys council and not otherwise And be it further Enacted by the authority aforesaid that all penalties and forfeitures by this Act made & imposed shall be for the use of his Majesty to be apply'd towards keeping in repair the said Magazine to be recovered by Warrant of distress and Sale of the Offenders goods under the hands & Seals of any two of his Majestys Justices of the peace upon due proof of the Offence And Be it further Enacted by the authority aforesaid that the powder receiver for the time being shall and is hereby required to turn or cause to be turn'd every barril of powder that shall be lodged in the said public Magazine once every month and upon failure thereof shall forfeit & pay the sum of twenty shillings for every such neglect to be recovered by distress and Sale upon due proof of the Offence before one or more Justices of the peace and to be applyed to the relief of the poor of the parish of Christ Church and Whereas by an Act of this present General Assembly intituled an Act to impower the Commissioners of the general loan to stamp imprint sign and pay into the hands of his Majestys Treasurer the further Sum of Seven hundred ninety & nine pounds

Powder delivered out of ye. Magazine for publick Service to be by order of the Govr. & Council.

penalties and forfeitures by this Act made &ca. to be for his Majesty to be applied towards the repair of the said Magazine.

Powder receiver for the time being to turn every Barril of Powder Lodged in the Magazine once every Month upon failur to forfeit twenty shillgs. to be recovered by Distress & to be applied to the relief of the Poor of Christ Church Parish.

pounds Eight Shillings and Eleven pence in sterling bills of Credit to defray the expence of repairing the church in Savannah, for building a publick Magazine in the said town of Savannah for securing the light house on Tybee Island and to make good a defficiency of the last publick Tax destroyed by an Accident of fire, the Sum of one Hundred pounds is appropriated for the building and erecting the said Magazine Be it therefore Enacted that the Sum of one hundred pounds shall be Issued by order of the Governor & Council on the Certificates of the Commissioners in manner as aforesaid the same to be sunk and discharged in manner as directed by the said Act.

One Hundred Pounds to be Issued by order of ye. Gover. & Council on ye. Certificates of the Commissioners & to be sunk & Discharged as Directed by sd. Act.

DAV^{D}. MONTAIGUT Speaker.

By order of the Upper House

PAT: HOUSTOUN president

Assented to 27th day of March 1759.

HENRY ELLIS.

(State Archives.)

An act for the better regulating fences in the province of Georgia.

WHEREAS an act passed the seventh day of March, one thousand seven hundred and fifty-five, in

Preamble.

in the first session of the first General Assembly of this province, entitled "An act to regulate fences in the province of Georgia," has been found very ineffectual for the purposes thereby intended.

And whereas, the fixing and establishing fit and proper dimensions for all fences and enclosures to be erected, and made in and about the several plantations and settlements of this province, would not only prevent the several owners and occupiers thereof, so fenced and enclosed, from receiving any damage from the irruption, straying or breaking in of cattle, horses, sheep, goats or swine, but would likewise obviate any doubts or disputes, happening or arising as to the strength and sufficiency of such fences and enclosures, in case of any irruption or trespass to be committed within the same.

Dimensions of fences and enclosures.

Be it enacted, That from and after the twenty-ninth day of March, one thousand seven hundred and fifty-nine, all fences or enclosures, commonly called worm fences, that shall be erected and made around, or about any garden, orchard, rice ground, indigo field, plantation or settlement in this province, shall be six feet high when staked and ridered, and from the ground to the height of three feet of every such fence or enclosure, the rails thereof shall not be more than four inches distant from each other; and that all fences or enclosures that shall consist of paling, shall likewise be five feet high from the ground, and the pales thereof not more than two inches asunder: *Provided always,* That where any fence or enclosure shall be made with a ditch

ditch or trench, the same shall be four feet wide, and in that case the fence shall be six feet high from the bottom of the ditch.

Owners of cattle &c. not liable for any damage by breaking into any place not properly fenced.

2. *And be it further enacted,* That if any trespass or damage shall be committed in any garden, orchard, rice ground, indigo field, plantation or settlement, not being fenced and enclosed in manner as herein before is directed, by the irruption, breaking in or straying of any cattle, horses, sheep, goats or swine, the owner of such cattle, horses, sheep, goats or swine, shall not be liable to answer for such trespass, or to make good or satisfy any damage or injury that shall happen or be committed by reason thereof: and in case any person or persons shall kill, maim, hurt or destroy, or cause to be killed, maimed, hurt or destroyed, any cattle, horses, sheep, goats or swine, so trespassing, straying or breaking into any garden, orchard, rice ground, indigo field, plantation or settlement, not fenced and enclosed in manner as by this act is directed, all and every such person and persons shall answer and make good to the owner or owners thereof all such injury and damages as he or they shall sustain thereby, the same to be recovered on due proof thereof, before any two justices of the peace for the district where the offence shall be committed, and to be levied by warrant of distress and sale of the offender's goods.

Justices to appoint three freeholders, to appraise the damage done by cattle, &c.

3. *And be it further enacted,* That in case any cattle, horses, sheep, goats or swine, shall break into any garden, orchard, rice ground, indigo field, plantation or settlement, being fenced and enclosed according

cording to the directions of this act, then, on application of the party aggrieved, it shall be lawful for any of his majesty's justices of the peace in the said province to appoint any three indifferent freeholders to view and appraise the damage so committed and sustained, and the appraisement made and signed by the said freeholders, shall be delivered to the justice, or any other, who is hereby authorized and empowered to cause the sum so applied, to be levied by warrant of distress and sale of the offender's goods.

Shall forfeit forty shillings for refusal.

4. *And be it further enacted,* That in case any freeholder, appointed by any justice to view and appraise any damage said to be committed, shall neglect or refuse to make such view and appraisement in manner as directed by this act, every such freeholder, so refusing, or neglecting, shall forfeit and pay, for every such offence, a sum not exceeding forty shillings, to be levied by distress and sale of the offender's goods, to be for the use of the party injured.

Stakes, &c. not to be fixed in enclosures, under twenty shillings penalty.

5. *And be it further enacted,* That no planter or other person, not having a lawful fence, shall fix in any of his enclosures, any canes, or stakes, or any thing that shall, or may kill, maim, hurt or destroy any cattle, horses, sheep, goats or swine, under the forfeiture of twenty shillings sterling for every such offence, on being convicted thereof before any justice of the peace of the district or place where such offender shall dwell, upon confession of such offender, or proof by one or more credible witness

ness or witnesses upon oath, one half thereof to be paid to the informer, and the other half to the poor of the said district, the same to be levied by distress and sale of the offender's goods, by warrant of the justice, before whom such offender shall be convicted, returning to the owner the overplus, if any, after all charges deducted.

Title of land not to be disputed in trial for damages.

6. *Provided always, and be it further enacted,* That in all trials to be had before one or more justices of the peace by virtue of this act, the right of the party to the lands on which the trespass or damage shall be said to be done, shall not be brought in question, but the same shall be taken for granted to all intents and purposes whatsoever.

Repealing clause.

7. *And be it further enacted,* That the act for regulating fences in the province of Georgia, passed the seventh of March, one thousand seven hundred and fifty-five, in the first session of the first General Assembly of the said province, shall be, and is hereby repealed, revoked, disannulled and forever made void.

DAVID MONTAIGUT, Speaker.

By order of the Upper House.

PATRICK HOUSTOUN, President.

Assented to March 27, 1759.

HENRY ELLIS.

From

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

Title

To impower the Commissioners of the general Loan to Stamp, imprint sign and pay into the Hands of his Majestys Treasurer the further Sum of Seven Hundred Ninety nine pounds, Eight shillings & Eleven pence in sterling Bills of Credit to defray the Expence of repairing the Church in Savannah for building a publick Magazine in the said town of Savannah, for Securing the light House on Tybee Island & to make good a deficiency of the last publick Tax, destroyed by an Accident of fire.

Preamble.

Whereas the Sum of Three Hundred pounds will be wanting to repair the Church in the town of Savannah & parish of Christ Church, The Sum of one hundred pounds towards building a publick Magazine in the said town of Savannah, the sum of two hundred, Eighty eight pounds, Eighteen shillings & Eleven pence for repairing the light house on Tybee Island, including the Sum of Eighty eight pounds Eighteen shillings and Eleven pence to reimburse his Excellency the governor, for the like Sum already advanced by him for that purpose, the Sum of fifty nine pounds to make good a deficiency of the Last general Tax, and the Sum of Seven pounds ten shillings to make good a deficiency of the Tax raised for erecting the fortifications at Savannah collected in paper Bills of credit, and destroyed by an Accident of fire, and also the further sum of forty four pounds to defray the charge of stamping

To Impower the Commissioners.

ing, imprinting and issuing the several sums aforesaid And as the raising the said sums of Money immediately required for these necessary services by a Public Tax wou'd at present be an insupportable Burthen upon the Inhabitants of this province, We therefore humbly pray your most Sacred Majesty, that it may be Enacted and be it Enacted by his Excellency Henry Ellis Esquire Captain general and governor in Chief of the province of Georgia by & with the advice & consent of his Majesty's honourable Council and the Commons house of Assembly of the said province in general Assembly met, and by the authority of the same That the Commissioners appointed for carrying into Execution an Act, intituled an Act for imprinting emitting & making current the Sum of Seven thousand pounds in paper Bills of Credit, of which said Sum, the Sum of three thousand four hundred pounds remains to be issued shall & are hereby authorized and required within Eight Months after the passing of this Act to stamp imprint and sign in like Bills of Credit with those already issued the further sum of Seven Hundred Ninety nine pounds Eight shillings and Eleven pence pursuant to the directions of this Act, and to pay the same into the hands of his Majestys Treasurer of this province, taking his receipt for the same And the said Treasurer may & is hereby authorized & required to apply the Sum of three hundred pounds so paid into his hands agreeable to the directions of an Act of this present general Assembly Intituled an Act for the repairing of Christ Church in the town of Savannah. And also the Sum of one hundred pounds so paid into his hands agreeable

Enacted

That the Commissioners of the Loan Office do Stamp imprint & Sign in Bills of credit the Sum of Seven hundred & ninety nine Pounds Eight shillings & Eleven pence.

And pay the same into the Hands of His Majestys Treasurer for the repairing of Christ Church in the Town of Savannah for Erecting a Magazine & to repair & secure the foundation of the Light House to Reimburse His Excellcy. the Govr. for Money advanced by him for that Purpose & some other incident charges.

able to the directions of another Act of this present general Assembly Intituled an Act for Erecting a public Magazine & for appointing a powder receiver and also the Sum of two hundred pounds so paid into his Hands agreeable to the directions of another Act of this present general Assembly Intituled an Act appointing Commissioners to repair and secure the foundation of the light House on Tybee Island, and also the Sum of Eighty eight pounds, Eighteen Shillings and eleven pence so paid into his Hands in Reimbursement of the like Sum already advanced by his Excellency the governor for the said purpose And also the Sum of fifty nine pounds so paid into his hands to make good a defficiency of the last general Tax and the Sum of Seven pounds, ten shillings so paid into his hands to make good a defficiency of the Tax raised for erecting the fortifications at Savannah collected in paper Bills of credit, and destroyed by an Accident of fire, and also the further Sum of forty four pounds so paid into his hands to defray the charge of stamping imprinting & issuing the several Sums aforesaid and to no other purpose whatsoever And for the sinking the said Sum of Seven hundred ninety nine pounds Eight Shillings and Eleven pence sterling so stamped and signed by the Commissioners of the general loan in manner before directed by this Act Be it further Enacted by the authority aforesaid that for sinking the Sum of three hundred pounds hereby directed to be applied agreeable to an Act of this present general Assembly intituled an Act for the repairing of Christ Church in the town of Savannah, the moneys arising by vertue of an Act of this present

Method of Sinking the Sum of L300 for the repairing of Christ Church.

To Impower the Commissioners.

present general Assembly intituled an Act for regulating Taverns & punch Houses and retailers of spirituous liquors (after the expence of building the watch house in Savannah therein provided for is fully discharged) shall be yearly paid on the first Monday in december to the Commissioners of the general Loan untill the said Sum of three Hundred pounds shall be sunk & wholly discharged, and the said Commissioners are hereby required to apply the several Sums they shall so receive to the sinking of the said sum of three hundred pounds, and to no other purpose whatsoever. And Be it further Enacted by the authority aforesaid that for the sinking the Sum of one Hundred pounds hereby directed to be applyed agreeable to an Act of this present general Assembly intituled an Act for erecting a public Magazine and for appointing a powder receiver the Moneys arising by virtue of an Act of this present Assembly intituled an Act for raising a publick store of gun powder for the defence of this province, shall be yearly paid on the first Monday in december to the said Commissioners of the general loan untill the said Sum of One Hundred pounds shall be sunk and wholly discharged, And the said Commissioners are hereby required to apply the several Sums they shall so receive to the sinking of the said Sum of one Hundred pounds, and to no other purpose whatsoever And Be it further Enacted by the Authority aforesaid that for the sinking the sum of two Hundred pounds hereby directed to be applyed agreeable to an Act of this present general Assembly Intituled an Act for appointing Commissioners to repair and secure the foundation

Method of sinking the sum of L100 for erecting a Publick Magazine.

Method of sinking the sum of L200 for repairing & securing the Foundation of the Light House & the Money due to His Excellency the Governor.

foundation of the light house on Tybee Island and also the sum of Eighty eight pounds, Eighteen shillings & Eleven pence to reimburse his Excellency the Governor as aforesaid the monies arising by vertue of an Act of the last general Assembly of this province intituled an Act for raising a fund by an Impost on Shipping to defray the Expence of keeping the light house on Tybee Island in repair and for building a house there for the use of the pilot shall be yearly paid on the first Monday in december to the said Commissioners of the general Loan untill the said Sums of two hundred and Eighty eight pounds Eighteen shillings & Eleven pence shall be sunk & wholly discharged and the said Commissioners are hereby required to apply the several sums they shall so receive to the sinking of the said sums of Two hundred pounds and Eighty Eight pounds Eighteen shillings and Eleven pence, and to no other purpose whatsoever. And Be it further Enacted by the Authority aforesaid, that for the due Observance and faithfull performance of the several matters & dutys contained in this Act the said Commissioners of the general loan the Collectors & Receivers of the several Funds for sinking the respective sums borrowed from the loan as provided, directed & contained in the several Clauses of this Act the said Commissioners Collectors and receivers shall be accountable, to the general Assembly of this province, when thereunto required And Be it further Enacted by the authority Aforesaid, that neither this Act, nor anything herein before contained shall be of any force, power or Efficacy, but the same is wholly suspended untill his most

The Commissioners & all other Persons concern'd in the execution of this Act to be accountable to the General Assembly.

This Act not to be in force without His Majestys Royal Approbation.

most Sacred Majesty's royal approbation and allowance thereof shall be known & signified to the Governor & Commander in chief of this province for the time being, any thing herein before contained to the contrary in any wise notwithstanding

DAV^{D}. MONTAIGUT Speaker

By order of the Upper House

PAT: HOUSTOUN president

Assented to y^{e} 27th day of March 1759.

HENRY ELLIS.

(State Archives.)

AN ACT to prevent the Building wooden Chimneys in the Town of Savannah, the repair of those already built and to provide against accidents of Fire

WHEREAS most of the Houses, Store-Houses and Publick Buildings in the Town of Savannah in the Province of Georgia are built of Timber and Boards: AND WHEREAS several Huts and Hovels with wooden Chimneys are intermixt with or situated near the said Houses, Store-Houses, and Publick Buildings, whereby the said Town is often in danger of being set on Fire; for remedy whereof, We pray your most Sacred Majesty that it may be Enacted

Preamble

To Prevent the Building of Wooden Chimneys.

Enacted

Enacted, AND BE IT ENACTED, by His Excellency Henry Ellis, Esquire, Captain-General and Governor in Chief of the Province of Georgia, by and with the Advice and Consent of His Majesty's Honourable Council and the Commons House of Assembly of the said Province, in General Assembly Met, and by the Authority of the same, That, from and after the Twenty-Ninth Day of March, one thousand seven hundred and fifty-nine, no Chimneys shall be built in the Town of Savannah but of Bricks, Stone, or Lime, and whoever shall Erect, or cause to be erected, or built, any Chimney or Chimneys, of any other Materials, to any Huts or Hovels, Houses out-Houses, or other Buildings, within the Town aforesaid, or that shall, after the said twenty-Ninth Day of March, one thousand seven hundred and fifty-nine, rebuild or repair any wooden Chimney already erected, every such Person shall, for every such Offence, forfeit and pay the Sum of five Pounds Sterling, upon due proof thereof, by the Oath of any credible Witness, or on view of any of His Majesty's Justices, or any Church-Warden or Vestry Man of the Parish of Christ-Church, to be levied on the Goods and Chattels of the Offender, by a Warrant of distress, under the Hand and Seal of one of His Majesty's Justices assigned to keep the Peace in the said Town, returning the Overplus, if any, to the Owner of the said Goods, and if no such Levy can be made, the said Justice shall commit the Offender to the Goal of Savannah, and there to remain for the space of twenty Days; And the Constables of the District are hereby required and commanded, punctually and without delay, to put

That from and after twenty ninth of March 1759 no Chimneys shall be built in Savh but of Bricks, stone or lime under penalty of a forfeiture of five pounds stg to be recovered on due proof, by Warrt of distress &ca & if no such levy can be made to be committed to goal for twenty days.

Constables of the district commanded punctually to put in execution every Warrt to them directed & upon refusal &ca to forfeit 10s

put in execution every such Warrant to them directed, and, upon their refusal, neglect, or delay, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings Sterling. AND BE IT FURTHER ENACTED, by the Authority aforesaid, That if any Chimney in the Town aforesaid shall take Fire, the Tennant or Dweller in the House, Tenement, or Out-House, where such Chimney shall take Fire, on due proof thereof made before one Justice of the Peace of the said Town, shall forfeit and pay the Sum of five Shillings for every such Chimney so taking Fire, to be recovered as herein before directed, And paid into the Hands of the Church-Wardens for the Parish of Christ-Church, to be by them applyed towards the keeping of the Fire Engine of the Town of Savannah in repair. AND WHEREAS fifteen able Persons of the Town aforesaid have engaged to keep the aforesaid Engine in good order, to work the same once in two Months, and be ready to attend with the said Engine when called upon on any accident of Fire, BE IT ENACTED, by the Authority aforesaid, that the said fifteen Persons shall and are hereby required, within ten Days after the Passing of this Act, to give a list of their Names to the Captains of the respective Companies of the Militia to which they belong, and the said Persons shall and are hereby exempted and excused, from and after the delivery of the said List afore mentioned, from the ffines for non-appearance at private or ordinary Muster only, during their continuing to perform the Services aforesaid, but shall nevertheless be liable to all other Military Services and Dutys required of

That if any Chimney takes fire in said town the Tennet or dweller in the house &ca on due proof made before one Justice of ye Peace of said town shall forfeit five shillings

The Fifteen Persons Engaged to keep the Engine in Order shall and are hereby required within ten days after the passing of this Act to give a list of their Names to the Captains of the respective Companies of the Militia to which they belong & the said Persons are hereby exempted from Mustering at prive Musters.

persons neglectg tne dutys &ca undertaken upon such neglect or refusal upon proof thereof shall severally forfeit for every such Offence a fine of ten shillings to be divided amongst ye remaing persons belonging thereto.

of them by the Militia Laws of this Province, And in Case the Fire-Master, or any other of the said fifteen Persons, shall refuse or neglect to perform any of the Duties by them undertaken, and herein before mentioned, he or they so neglecting or refusing, upon proof thereof made, shall severally forfeit and pay for every such Offence a fine of Ten Shillings Sterling, to be recovered by one Justice as before directed, and to be divided amongst the rest of the Persons aforesaid. And, in order, to prevent as much as possible the destruction of the said Town by accidents of Fire; BE IT ENACTED, by the Authority aforesaid, that the Church-Wardens and Vestry of the Parish of Christ-Church shall procure, by the first Day of March, one thousand seven hundred and Sixty, fifty Leather Fire Buckets of the Common Size, and fifteen Fire Hooks, to be always kept with and for the use of the Fire Engine, in such convenient Place as may at any time hereafter be directed by the Parish Officers, to be ready, and shall be employed upon any accident of Fire in the said Town, and the said Church-Wardens and Vestry are hereby impowered to defray the expence of such Fire Buckets, on or immediately after procuring the same, by assessing every House in the Town of Savannah in proportion to the Number of fire hearths in each House, such Assessment being first approved by any Justice of the Peace of the said Town, (not being of the Vestry for the said Parish) and shall be recovered, after due Notice is given from the Owner of each House in Manner as is directed for recovery of the Parish Charges, by an Act of this present General Assembly, Intituled,

Church Wardens & Vestry of Ct Church parish to procure by first March 1760 fifty leather fire buckets & fifteen fire hooks to be kept wth for ye use of the fire Engine

Church Wardens &co to defray ye expence of such fire buckets on or immediately after procuring the same by Assessing every House in the town of Savh in proportion to the Number of fire Hearths.

an

To Prevent the Building of Wooden Chimneys.

"an Act for constituting and dividing the several Districts and Divisions of this Province into Parishes, and for establishing of Religious Worship therein, according to the Rites and Ceremonies of the Church of England, and also for impowering the Church-Wardens and Vestry Men of the respective Parishes to assess Rates for the Repair of Churches, the Relief of the Poor, and other parochial Services." AND BE IT FURTHER ENACTED, by the Authority aforesaid, That, from and after the said first Day of March, one thousand seven hundred and Sixty, every dwelling-House in the Town of Savannah shall be provided, at the Owner's Expence, with a sufficient Ladder fit for Use, in case of Fire, to be always ready, and suitable to the Height of the House, and every Person not provided with such sufficient Ladder shall be liable to a ffine of five Shillings Sterling for every neglect, to be recovered in Manner as directed for other ffines by this Act, upon the Evidence of any Church-Warden and Justice of Peace, who are hereby required and impowered to inspect the same twice every Year, at such times as they think convenient, And every Person refusing to admit such inquiry and inspection shall be liable to a ffine of five Shillings Sterling for every such refusal, to be recovered by any Justice of the said Town in Manner aforesaid AND BE IT FURTHER ENACTED, by the Authority aforesaid, that all ffines and forfeitures incurred by breach of this Act, and not otherwise appropriated, shall be paid into the Hands of the Church-Wardens of the Parish of Christ-Church

That from and after the 1st March 1760 every dwelling House in the town of Savh to be provided at ye owners expence with a sufficient ladder fit for use, in case of fire, under penalty of five shillings

Persons refusing to admit Enquery by the Church Wardens liable to a fine of five shillings.

All fines &ca incurred by breach of this Act to be paid into ye hands of the Church Wardens of Chrt Church Parish & to be applyed towards keeping the fire Engine &ca in repair

Church, to be by them applyed to the keeping the ffire Engine in repair, and providing Buckets and Hooks as aforesaid AND in Order that no disputes may arise amongst the Managers of the Fire Engine, BE IT FURTHER ENACTED, by the Authority aforesaid, That such Persons who undertake the same shall Yearly, on the tenth Day of March, in such Manner as they shall think proper, make choice of one of their Number to be Fire-Master for that Year, under whose direction the others shall be at all Times in managing, working and keeping the said Fire Engine in Order under the Penalties before directed And for the more constant and better keeping the said Fire Engine and the Fire Buckets in good repair, the Church-Wardens shall and they are hereby impowered and required to inspect and examine the said Fire Engine and Buckets as often as convenient, but not less than twice a Year, and whatever Repair shall be found necessary, either of their Knowledge, or from information received from the Fire-Master, They the said Church Wardens shall acquaint the Commissary of this Province, who is hereby required to provide such necessaries requisite to keep the said Engine and Buckets in good Repair, and such expences that the said Commissary shall be at, for the Service aforesaid, shall be defrayed either by the Fines, if any in Hand, appropriated for the Re-

Persons undertaking the same shall yearly on 10th March, make choice of one of their Number to be fire Master for that year

Church Wardens to inspect & examine the said fire Engine & Buckets, not less than twice a year, & what repairs they shall judge necessary, shall acquaint the Commissary of ys prove who is required hereby to provide such necessaries

pair

pair of the said Engine and Buckets, or by the Treasurer of this Province out of the General Tax.-

DAV^{D}. MONTAIGUT Speaker

By Order of the Upper House

PAT HOUSTOUN President

Assented to y^{e} 27th day of March 1759

HENRY ELLIS

(State Archives.)

AN ACT to Prevent Stealing of Horses and Neat Cattle And for the more Effectual Discovery and Punishment of such Persons as shall unlawfully brand, mark, or kill the same

WHEREAS no Law hath hitherto been Provided in this Province to Prevent the Great Evils of Stealing Horses and Neat Cattle and of unlawfully branding, marking or killing the same whereby the wicked Practices are become very Common to the great discouragement and Detriment of the honest Inhabitants; for the prevention of which for the future and that proper Encouragement, may be given for the Discovery of the same; We humbly pray Your most Sacred Majesty that it may be Enacted, AND BE IT ENACTED by His Excellency Henry Ellis Esquire Captain General and Governor

Preamble

Enacted

Governor in Chief of His Majestys Province of Georgia by and with the advice and consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same; That An Act of Parliament in the First Year of the Reign of King Edward the Sixth Intitled, An Act for the repeal of certain Statutes concerning Treason and Felonies, in so far as the same relates to the felonious Stealing of Horses Geldings or Mares and also another Act of Parliament, made in the second and third years of the Reign of the said King intitled a Bill for Horse and Horse Stealers, are and are hereby declared immediately from and after the passing this Act to be in full force in this Province to all Intents and Purposes whatsoever

That certain Acts in this clause mentioned, in so far as the same relates to the felonious stealing of horses Gelding or Mares are hereby declared immediately after the passing hereof to be in full force in ye province

AND BE IT FURTHER ENACTED by the Authority aforesaid that the Justices Assigned, or to be Assigned to keep the Peace in the Several Districts in this Province shall be and are hereby Appointed Toll Masters in their respective Districts with full Power and Authority to exercise within their Several Districts all and every the Powers given them as Toll Masters by virtue of this Act. AND BE IT FURTHER ENACTED by the Authority aforesaid that the said Toll Masters appointed, or hereafter to be appointed by virtue of this Act shall have power to Administer Oaths to the persons avouching or telling before them respectively and are hereby declared to be sufficient Judges of the proof of the Property of the Person so tolling and upon such proof appearing Sufficient

Justices of the Peace in the several districts of this province appointed Toll Masters in their respective districts

Toll-Masters appointed or hereafter to be appointed by virtue of this Act impowered to Admr Oaths to persons avouching or tolling before them respectively, & are declared to be sufficient

are

are hereby required and directed to toll or avouch any Horse Mare Gelding Colt or Filly for that purpose produced to them or either of them and in a book for that end to be kept shall enter the time of Sale and the name and place of Dwelling of every Seller and buyer of such Horse Mare Gelding Colt or Filly and the burnt mark or other notable flesh Mark thereof and the price of the thing for which the same is Sold or exchanged and shall under his Hand and Seal give a Certificate of such Entry to every person requiring the same upon the payment of One Shilling and Six Pence Sterling for his trouble therein under the penalty of Three Pounds Sterling for every such neglect or refusal in any or either of the said Toll Masters. AND BE IT FURTHER ENACTED by the Authority aforesaid that after Six Months from the passing of this Act no Sale or Exchange of any Horse Mare Gelding Colt or Filly in this Province shall be deemed Sufficient in Law to transfer the property thereof without being first avouched and tolled and a Certificate of the same obtained as aforesaid, except publick Sales by Executors or Administrators three leaders of Horses or Cattle belonging to the Estates of persons deceased and except Sales by the Provost Marshal or Constable making Distress and levying Execution. AND BE IT FURTHER ENACTED by the Authority aforesaid. That all Persons bringing any Horses Mares Geldings Colts or Fillys from the Northern Provinces into this Province by Land for Sale shall bring a voucher under the Broad Seal or County Seal of their respective Provinces or Counties describing the burnt Mark or other Notable

Judges of the proof of the property of the person so tolling which appearing sufficient are impowered to Toll or Avouch any horse Mare &ca for ys purpose produced to them in a book for that end to be kept shall inter the time of sale & the name & residence of every seller & buyer of such horse &ca & to give a Certificate thereof upon tender of fee of 1s —

Six Months after passing hereof no sale or excha of any horse &ca in ys province to be deemed sufft in law without being first avouched & tolled & a Certificate thereof Obtd except as herein excepted --

Persons bringing any horses &ca from the Northern proves into this prove by land for sale shall bring a voucher under the seal of the respective provinces discribing

the burnt mark &ca thereof under penalty of six pounds stg—

ble flesh Mark thereof under the penalty of Six Pounds Sterling for every such Horse Mare Gelding Colt or filly. AND BE IT FURTHER ENACTED by the Authority aforesaid that after Six

That after Six Months from passing of this Act no person shall brand or mark any Colt or Colts &ca above twelve Months old without proving the property of the same to the satisfaction of one of the toll Masters under penalty of Three pounds stg

Months from the passing of this Act it shall not be lawfull for any person whatsoever within this Province to brand or Mark any Colt or Colts above Twelve months Old without first proving the property of the same to the Satisfaction of some One or other of the Toll Masters Appointed or hereafter to be appointed by virtue of this Act under the penalty of three pounds Sterling for every Colt so Marked or branded without such proof being made as aforesaid for which and a Certificate thereof the Toll Master shall receive One Shilling and Six Pence Sterling. AND WHEREAS: the pernicious practices of branding marking or disfiguring Horses and Neat Cattle and of killing of Neat Cattle and

That immediately from & after passing of this Act every person who shall be lawfully convicted of any of ye said Offences, shall exclusive of the penaltys otherwise inflicted by law be liable to the fine of fifteen pounds stg for any horse &ca so branded &ca & in case there be not sufficient effects to discharge sd fine to be kept close confined in Gaol &ca-

Calves, not being the property of persons so branding marking disfiguring and killing of the same have become very common and notorious for the prevention whereof no Sufficient Remedy hath hitherto been provided in this Province BE IT THEREFORE FURTHER ENACTED by the Authority aforesaid That immediately from and after the passing of this Act every person and persons who shall be lawfully convicted of any or either of the said Offences shall beside the penalties otherwise inflicted by Law be lyable to the fine of fifteen Pounds Sterling for any Horse Mare Gelding Colt or filly Neat Cattle or Calf so branded marked disfigured or killed and shall be kept close confined in Goal untill payment be made of the same and in case the

person

person so Offending shall not have Sufficient Effects to discharge the said Fine he she or they shall receive such Corporal punishment not extending to Life or Member as to His Majestys Justices—before whom such Tryal shall be had shall seem meet, and then discharged, AND for the more effectual discovery of Offenders against this Act BE IT ENACTED by the Authority aforesaid That every person or persons informing and giving Evidence against any of the said Offenders whereby he she or they shall be convicted as aforesaid shall be intitled to the sum of Seven Pound Sterling for every person so convicted to be paid by the publick Treasurer upon a Certificate of the Justices before whom such Offender or Offenders were convicted. AND BE IT FURTHER ENACTED by the Authority aforesaid that it shall not be lawfull hereafter for any Slave whatsoever to brand or Mark any Horses or Neat Cattle but in the presence of some white person under the penalty of being severely whiped by order of any One or more of his Majestys Justices of the Peace before whom such Offences shall be proved by the Evidence of any white person or Slave AND BE IT FURTHER ENACTED by the Authority aforesaid That every person or persons whatsoever within this Province into whose Inclosed grounds hands or possession to his or their knowledge, any Horses or Neat Cattle shall come after Six months from the passing this Act and the Owner or Owners of the same are unknown shall within Twenty days after such horses or Neat Cattle or either of them come to his or her knowledge Inform One or other of the Toll-Masters therewith together

Persons informing & givg. Evidence against any of the said Offenders whereby to be Convicted shall be intitled to the sum of seven pounds stg to be paid by the Treasurer upon a Certificate of the Justices-

No Slave to brand or mark any horse &ca but in presence of some white person under penalty of being whiped by Order of any Justice of ye peace

Every person whatsoever in this Province into whose inclosed grounds &ca any Horses or Neat Cattle shall come after six Months after passg hereof the Owners thereof being unknown shall within 20 days inform one or other

of the toll Masters therewith, together wth the best discription he she or they can make of the same under penalty of three pounds stg- Toll Master under penalty of thirty shillings stg publish the same

gether with the best discription he she or they can make of the same under the penalty of three pound Sterling for every such neglect and upon such Information and discription made as aforesaid the said Toll-Master shall under the penalty of thirty Shillings Sterling publish the same with all convenient Speed in the Town of Savannah and at any place of Divine worship or other most publick place in the Parish where the said Toll-Master resides by publick Advertisement there to be continued three weeks. And if the Owner or Owners shall appear and prove his or their property in the same to the Satisfaction of the said Toll Masters, he shall immediately deliver, or give an Order for the delivery of such Horses or neat Cattle to the said Owner or Owners upon being paid the charges of the said Advertisements and three Shillings Sterling for his further trouble. And also such charges and expences as shall by the said Toll Master be thought reasonable to be paid to the person Informing him of the said Horses or neat Cattle or either of them to be levied by Warrant of Distress upon refusal And if no Owner Appears within the Term of Twelve Months then and in such Case it shall be lawfull for the said Toll Master and he is hereby Impowered and required to Sell or cause to be sold the said Horses or neat Cattle or either of them at publick Outcry to the best Advantage; and the Monies thereby Arising After deduction of Lawfull Charges shall be paid into the hands of the publick Treasurer and applyed into the payments of the rewards given to Informers by this Act. AND BE IT FURTHER ENACTED by the Authority aforesaid

Owners appearing & provg his or their property Toll Master to give Orders for delivery thereof paying Charges & upon refusal to be levied by Warrant of distress &ca

No person appearing within the term of twelve Months Toll Master impowered to sell the said horses &ca at public Outcry, & the Monies arising to be paid to the Public Treasurer

said That Managers and Overseers of Plantations shall within the time in this Act limited give like Information and discription of Strayed Horses and neat Cattle or any or either of them to the Toll-Masters, as Owners of such plantations are Obliged to do; And in default thereof, shall be under the same penalties hereby inflicted upon Owners of plantations for such neglect. AND BE IT FURTHER ENACTED by the Authority aforesaid. That the willfull Omission or neglect of any person or persons whatsoever for the Space of forty days after the expiration of the Twenty Days within which time he she or they are required by this Act to give Information of Strayed horses or neat Cattle to the Toll Masters shall be taken and is hereby declared to be an Evidence of an Intention to Steal such Horses or neat Cattle in such person or persons, and shall be Admitted and taken as legal Evidence of such Intention on the Tryal of any such person or persons for feloniously Stealing the same or either or any of them. AND BE IT FURTHER ENACTED by the Authority aforesaid that all Penalty's and Forfeitures inflicted and incurred in and by this Act not exceeding Ten Pound Sterling, shall be Sued for and recovered in any Court of Request In the District where the Offence shall be committed and if above Ten-pound Sterling, shall be recovered in the General Court of this Province wherein no Essoign Protection or Wager of Law, or more than One Imparlance shall be allowed or admitted the said Penalties and Forfeitures to be to his Majesty and applyed the one half to the Informer and the other half to be paid into the hands of the Publick

Managers & Overseers shall within the time by this Act limited give like informn of strayed horses &ca to the toll Masters, or in default liable to like penalties as Owners of such plantatns

Willful Omission of any persons whatsoever for the space of forty days after expiration of ye twenty days when he she or they are required by this Act to give information of strayed horses &ca shall be taken as an evidence of an Intention to steal such horses &ca--

Penalties incurred by this Act not exceeding ten pounds stg to be sued for & recovd in any Court of Request in the district where the Offence is committed & if above ten pounds in the Genl Court of this province

Moietys of ye penaltys & forfeitures not herein before appropriated and the sums arisg from ye sales of such horses &ca as shall be sold by the toll Masters aforesd. after Charges deducted, shall be paid into the hands of the Public Treasurer —

Publick Treasurer for the uses herein after mentioned. AND BE IT FURTHER ENACTED by the Authority aforesaid That the Moieties of the penalties and Forfeitures not herein before Appropriated and the Sums Arrising from the sales of such Horses and neat Cattle as shall for Non Claim be sold by the Toll Masters as aforesaid, After deducting the legal charges arising thereon, shall from time to time be paid into the hands of the Publick Treasurer of this Province as a fund to discharge the Rewards promised by this Act and shall from time to time be paid by him to such person or persons as shall be intitled thereto upon conviction of any Offender and Certificate thereof by the Justices before whom such Offender shall be convicted, and where the said Fund shall prove insufficient for the purposes Aforesaid the Publick Treasurer for the time being is hereby Impowered and required to pay the said rewards out of such other Funds as shall from time to time be directed by the General Assembly of this Province. AND BE IT FURTHER ENACTED by the Authority aforesaid That the Captains of the several Troops of Horse and Companies of foot in the Militia of this Province shall within Six Months after the passing of this Act or at the first Muster after he shall receive the same cause the same to be publickly read at the Heads of their respective Troops or Companies, under the penalty of Thirty Shillings Sterling for such neglect for such neglect to be recovered and Applyed as herein before is directed AND BE IT FURTHER ENACTED by the Authority aforesaid That this Act shall continue and be of force for the Space of five

Fund provg. insufficient for purposes aforesaid the Public Treasurer required to pay said Rewards out of such other funds as shall from time to time be directed by the General Assembly of this Province

Captains of the troops of Horse & Companies of foot in the Militia of this prove shall within six Months after passing of this Act or at first Muster after Receipt cause the same to be publickly read at the heads of their respective Troops or Companys under penalty of thirty shillings stg -

five years from the passing thereof and from thence to the End of the next Sessions of the General Assembly And no longer. Continuance of this Act -

DAV^{D}. MONTAIGUT Speaker

By Order of the upper House

PAT HOUSTOUN President

Assented to y^{e}. 27th. day of March 1759

HENRY ELLIS

(State Archives.)

AN ACT for establishing the method of appointing Constables, Ascertaining the Qualifications of Persons to serve in that Office and to Point out the Duties attending the same.

FORASMUCH as the Method of appointing Constables and the Qualifications of Persons to serve in that Office as well as the Duties required from the said Constables hath not been hitherto established by any Laws of this Province and divers Obstructions in the Administration of Justice have been thereby occasioned, for remedy whereof We humbly pray your most sacred Majesty that it may be enacted AND BE IT ENACTED, by His Excellency Henry Ellis Esquire Captain General and Governor in Chief of the Province of Georgia by and Preamble. Enacted

and with the advice and consent of the Honourable Council and commons House of Assembly of the said Province in General Assembly Met and by the Authority of the same That from and after the Twenty Ninth Day of March One Thousand seven hundred and Fifty Nine the Justices of every District shall on some Day in Easter week meet at the place where the Court of request is usually by them held or at any other convenient place, and having given notice to the Officiateing Constables then and there to appear and attend the said Justices shall cause the names of the Persons of their District hereinafter declared by this Act Liable to serve the Office of Constable to be singly written on divers pieces of Paper and each roll'd up by itself, and the said pieces of Paper so written and roll'd up shall be put in a Hat or Box and being well shaken together the said Justices shall cause to be drawn out of the said Box or Hat by one of the said Constables so many of the aforesaid pieces of Paper as there shall be Constables wanted for that District and the Persons whose names shall be found written upon the several Papers so drawn as aforesaid shall and is hereby declared lawfully appointed to serve in the Office of Constable for the immediate ensuing Year and the said Justices shall immediately cause the several Persons so chosen to be served with a summons in writeing requiring each of them to appear before the said Justice or one of them within ten Days to be sworn into the Office of Constable, and the said Justice or Justices are hereby impower'd and required to Administer to each of them the following Oath Viz^{t}: You shall well and truly serve

That from and after twenty ninth March 1759 The Justices of every district shall on some day in Easter week meet, giving Notice to the officiating Constables there to Appear, the Justices causing the Names of the persons of their respective districts herein after liable to serve as Constables to be singly written on seperate pieces of paper & each rolled up & put into a Hat or Box & well shaken the Justices shall cause to be drawn out by one of the sd Constables so many pieces of Paper as there shall be Constables named for that district, whose Names so drawn are declared Constables for the ensuing year who shall be summoned to appear before the said Justices within 10 days

our

For establishing the Method of Appointing Constables.

our Sovereign Lord King George in the Office of Constable in and for the District of - - - - - for the Year ensuing or until you shall be thereof discharged according to due course of Law, You shall well and truly do and execute all things belonging to the said Office according to the best of your knowledge, so help you God. And if any Person or Persons so appointed and Summoned shall refuse or neglect to appear or when appearing shall refuse to be sworn in the said Office every such Person or Persons so - - - - - - refusing or neglecting shall forfeit the sum of Ten Pounds Sterling for the use of the Poor of the Parish where such offence shall be committed to be paid to the Church Wardens of the said Parish and in case such Parish have no Church Wardens, to be paid to any Justice of the Peace for the said District for the use aforesaid, to be Levied on the Goods and Chattels of the Offender by a Warrant of distress and Sale under the hand and Seal of one or more Justice or Justices of the Peace of the said District And if no such Levy can be made and no sufficient security given to the said Justice or Justices for the payment of the Fine aforesaid within three Months after the Committing of the said Offence, then the said Offender or Offenders shall be committed to the nearest Publick Goal of this Province and there to remain for the space of Twenty days Provided nevertheless that if any Person or Persons so appointed to serve in the Office of Constable shall find it inconvenient for him to serve in the said Office such Person may with the Approbation of the said Justices hire or employ any other fit Person to execute the said Office in his place

The Oath of a Constable

persons summoned refusing to appear, or refusing to Act to forfeit L 10s for the use of ye poor of the parish where the Offence shall be committed

And if no levy can be made & no security given to the said Justice or Justices for paymt of said fine within 3 Months after committing said offence then the Offender to be committed to the nearest goal to Remain for twenty days

Proviso

Persons appointed Constables may wth Approbation of the Justices have or engage any other fit Person to Execute said Office in his place or stead such person within three days qualifying himself agreable to this Act-

place or stead, and the person so hired or employ'd shall attend upon one or more of the said Justices within three days after the service of the Summons as aforesaid on the Person by whom he is hired or employed and Qualify himself agreeable to the direction of this Act And the Person so Qualified and approved shall and is hereby deem'd and declared to be to all intents and purposes a Lawfull Constable Provided also that no Person shall be compell'd to serve in the said Office for any longer Term than one Year or until another Constable shall be sworn in his stead AND BE IT FURTHER ENACTED, by the Authority aforesaid that if the Justices of the several Districts shall neglect or refuse to attend at the time and place so appointed or shall then and there neglect or refuse to appoint or choose such and so many Persons as shall be necessary for their several Districts or in case of any Person so chosen making Default in appearing at the time and place mentioned in the Summons shall neglect or refuse to choose another in the place or stead of such Person so making default neglecting or refuseing every such Justice shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds Sterling to be recovered on due Proof of the Offence in the general Court of this Province one half of such Forfeiture to be for the use of the Person continued in the said Office through the default of such Justice or Justices and the other half for the use of the Poor of the Parish where the Offence shall happen AND BE IT ALSO ENACTED, by the aforesaid Authority, that the names of the Persons that shall have lawfully served in the Office of Constable either

Justices of the several districts neglectg &ca to attend at the time & place appointed or then & there neglecting or refusing to ballott so many persons wanting for their respective district to forfeit twenty Pounds sterlg-

Names of those persons who have served as Constables, not to be put into the Box or Hat 'till all the Tickets

For establishing the Method of Appointing Constables.

either by himself or approved Deputation or by paying of the Fine as aforesaid shall not be put again into the said Box or Hat until all the Tickets or Pieces of Paper whereon the names of the Persons liable to serve in the Office of Constable are written shall be drawn out AND BE IT ALSO ENACTED, by the Authority aforesaid, That every free white Male inhabitant of this Province from the age of One and twenty, to the age of sixty Years are hereby declared liable and Obliged to serve the Office of Constable PROVIDED always AND BE IT ENACTED by the Authority aforesaid that Justices of the Peace, Ministers of the Church of England and of the Dissenting Congregations Tollerated by the Laws of England Members of both Houses of Assembly Commissioned Officers of the Militia, Licens'd School Masters, Physicians, Appothecaries, sworn Attorneys, Madmen, Ideots and sick Persons shall and are hereby declared exempted from serving in the said Office of Constable AND BE IT FURTHER ENACTED by the Authority aforesaid that in case of Death or removal of any Constable out of the district or Province or in case of the Constables paying the Fine aforesaid or being disabled from discharging the said Office the Justices of the said District or any of them are hereby impower'd to appoint and swear another Person in manner as aforesaid in the room of the Constable fined, Dead, removed, or disabled, and if the Person so nominated shall refuse or neglect to be sworn or Substitute another in his stead as before directed he or they so refusing or neglecting shall severally forfeit and pay the same fine as herein before imposed to

whereon the names of Persons liable to serve in that Office be all drawn out -

Persons liable to serve in the Office of Constables

proviso

Persons exempted

In case of the death or removal from ys prove of any Constastable, or paying the fine aforesaid &ca Justices of said district or any two of them to appoint and swear another person in the Room of ye Constable fined, dead &ca & upon such persons Refusal to be sworn or substitute another such Person is liable to the aforesaid fine imposed-

to be Levied and disposed of as herein before directed or suffer imprisonment as already directed AND WHEREAS no regular return of the names of the Persons Qualified to serve on Grand and Petty Juries hath hitherto been made BE IT ENACTED by the Authority aforesaid that the Constables of every District shall after the Passing of this Act yearly and every Year on the Feast of S^{t}: Michael the Arch Angel (or the Day after it, if the said Feast happen to be on a Sunday) deliver to one of the Justices of the Peace of their district a true and Impartial List of all the free White Male inhabitants from the Age of Twenty one to sixty Years Liable by this Act to serve in the Office of Constable and another List containing the names of all such Freeholders within their District Qualified to serve on Grand or Petty Juries and if any of the said Constables shall refuse or neglect to make such return on the day aforesaid or within a Month after he or they so refusing or neglecting shall severally forfeit and pay the sum of twenty shillings Sterling to the poor of the Parish wherein such Offence shall be committed to be Levied by Warrant of Distress and Sale under the hand and Seal of one or more Justice or Justices of the peace for the said District and the Justices to whom the said Lists shall be returned is hereby impower'd and required to Administer to the Constable or Constables making the said return the following Oath, You do swear that you have well and truly made and now deliver'd to me an Impartial List of the names of all the inhabitants of the District of ———————— Lyable to serve in the Office of Constable for the said District and a true List of the

Constables of every district shall after passg of ye Act yearly on ye feast of St Michael, or the day after it, deliver to one of the Justices of the district a true list of all the male white Inhabitants from the age of twenty one to sixty years liable to serve in the said Office of Constable & also a list of all such freeholders qualifyed for Grand or petit Jurors, Constables neglectg or refusing to make such Return to forfeit Twenty shillings sterling

Justices to whom said Lists be returned impowered to Administer the followg Oath to the Constable returng the list.

Oath to be taken-

the names of all the Freeholders in the said District Lyable to serve on Grand and Petty Juries to the best of your skill and knowledge, so help You God, And the Justice before whom the said Oath shall be taken shall cause the Constable or Constables so sworn to sign his or their names Mark or Marks and the said Justice is hereby required to regulate and correct the same (agreeable to an Act of the general Assembly of this Province intituled an Act for declaring and establishing the Method of drawing and Summoning Juries in the Province of Georgia) and attest it under his hand and transmit the same so corrected and attested by the first Opportunity to the Clerk of his Majesty's Court at Savannah and the said Clerk is hereby required to deliver to the Justices of Oyer and Terminer a List of such Justices of the Peace that shall omit to send Yearly the List as aforesaid that they may order a fine of forty shillings to be levied on the said Justice or Justices that shall Omit the duty aforesaid And the said fine shall be for his Majesty's use towards repairing the Court House of Savannah AND BE IT FURTHER ENACTED by the Authority aforesaid that each and every Constable so appointed and sworn is and they are hereby invested with and may execute the same power and Authority to all intents and purposes as the Constables within the Kingdom of England are by Law invested with and execute AND BE IT FURTHER ENACTED by the Authority aforesaid That if any Constable to whom any Precept is directed by any Justice of the Peace or other Persons Lawfully Authorized shall refuse or neglect to serve such Precept or other Lawful Command

Justice before whom such Oath is made to cause such Constable to sign his Name or Mark-

Clerk of the Court to deliver to the Justices of Oyer & Terminer a list of all such Justices omiting to send yearly such lists

Constables sworn & appointed invested with the same powers as the Constables within great Britain-

Constables refusing to Execute any precept &ca from any Justice of the Peace to forfeit a sum not exceeding Ten pounds sterling

Command he shall for every such Offence Forfeit and pay a sum not exceeding ten Pounds Sterling for the use of the Partie aggrieved the same to be recover'd before any two Justices of the Peace for the District where the Offence shall happen and to be levied by Distress and Sale of the Offenders Goods.

Constables within ys Prove qualifyed exempted for himself only from workg on Public Roads during his Constableship-

AND BE IT FURTHER ENACTED by the Authority aforesaid that every Constable within this Province appointed and Qualified as herein before directed shall be and is hereby exempted for himself only from Working on any Public Road for and during the Year he shall be Constable any law usage or custom to the contrary notwithstanding

AND WHEREAS it is highly necessary for preserving good order in the Town of Savannah that the Church Wardens for the Parish of Christ Church and two of the Constables for the said Town should every sunday during the time of Divine Worship, go round the said Town to prevent Tumults from Negroes and other disorderly People

That from and after twenty ninth of March 1759 the Constables aforesaid are hereby requied to Attend Aid &ca the Church Wardens in discharge of said duty

BE IT THEREFORE ENACTED, by the Authority aforesaid that from and after the Twenty Ninth Day of March One thousand seven hundred and ffifty nine the Constables for the Town aforesaid shall and are hereby required and Commanded to attend aid and Assist the Church Wardens in discharge of the said Duty And the Church Wardens

Church Wardens impowered to take with them alternately two Constables to Attend Ald &ca every sunday during the time of service

for the time being are hereby impower'd and required to take with them alternately two Constables of the said Town, to attend Aid and Assist them every Sunday during the time of divine service in the discharge of the said Duty and shall take up and apprehend all such Persons who shall be found loitering

ering or walking about the Streets and compell them to go to some place of divine Worship and if such Person or Persons shall refuse so to do every one so refusing shall forfeit and pay the sum of One Shilling Sterling for the use of the poor of the said Parish or be put into and Continue in the Stocks for the space of one Hour AND if any of the said Constables shall refuse or neglect to attend aid and Assist the Church Warden in the Discharge of the Duties aforesaid every such Constable shall forfeit and pay for every such neglect or refusal the sum of Ten shillings Sterling for the use of the Poor of the Parish aforesaid and upon Complaint made of the said Offence to any Justice of the Peace for the said Town the said Justice is hereby required to issue a Warrant of distress under his hand and Seal for the Levy of the said Fine on the Goods and Chattels of the Offender or Offenders and to be paid into the hands of the Church Wardens for the use aforesaid.

persons taken up to pay One Shilling for the use of ye poor or be put into the stocks for one Hour-

Constables refusing or neglecting to attend aid &ca the Church wardens to forfeit the sum of ten shillings for ye use of the poor of the parish aforesaid, to be recovered by warrant of distress &ca

DAV^{D}. MONTAIGUT Speaker

By Order of the upper House

PAT HOUSTOUN President

Assented to y^{e} 27th. day of March 1759

HENRY ELLIS

(State Archives.)

An act for reducing the interest of money in this province.

WHEREAS the high rate of interest in this province

Preamble.

ince of Georgia, is a great discouragement to planters and others from improving their landed estates therein, by reason that the profits arising from such improvements do not equal the sum paid for money so laid out and employed; *And whereas,* many planters and others, by failure of crops and other misfortunes, do become unavoidably indebted, and are therefore made chargeable with the said high rate of interest, to the detriment of the said planters, and others, and to the great hinderance of the improvement and settlement of the said province; for remedy whereof, and for preventing the like mischief for the future: *Be it enacted,* That no person or persons whatsoever, from and after the twenty-ninth day of March, in the year of our Lord one thousand seven hundred and fifty-nine, upon any contract that shall be made from and after the said twenty-ninth day of March, shall take directly or indirectly, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of eight pounds for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, and that all bonds, contracts, and assurances whatsoever made after the time aforesaid, for the payment of any principal or money, to be lent covenanted, to be performed upon, or for any usury, whereupon or whereby there shall be reserved or taken above the rate of eight pounds in the hundred as aforesaid, shall be utterly void; and that all and every person or persons whomsoever, who shall after the time aforesaid, upon any contract to be made after the said twenty-ninth day of March, take

Interest of money or any other thing to be eight per cent. per annum.

take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, chevisance, shift, or interest of any wares, merchandize, or other thing or things whatsoever; or by any deceitful way or means, or by any covin, engine, or deceitful conveyance for the forbearing or giving day of payment for one whole year of, and for their money or other thing, above the sum of eight pounds, for the forbearing of one hundred pounds, for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter term, shall forfeit and lose for every such offence, the treble value of the monies, wares, merchandizes and other things so lent, bargained, exchanged, or shifted, any law, usage or custom to the contrary thereof, in any wise notwithstanding.

DAVID MONTAIGUT, *Speaker.*

By order of the Upper House.

PATRICK HOUSTOUN, *President.*

Assented to March 27, 1759.

HENRY ELLIS.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For raising & granting to his Majesty the sum of Eight Hundred, twenty pounds, five Shillings and

one

Title.

one half penny to defray the Expences of holding the Courts of Oyer & Terminer, and some other Expences of Government.

Whereas it is absolutely necessary that the expences of the Courts of Oyer and Terminer and the charges of the sitting of the General Assembly and some other expences of government should be provided for, Therefore for the well and truly effecting of these purposes, We humbly pray your most Sacred Majesty, that it may be Enacted. And be it Enacted by his Excellency Henry Ellis Esquire Captain general & governor in chief in and over the province of Georgia, by and with the advice and consent of the Honourable Council, and Commons House of Assembly of the said province in general Assembly met, and by the Authority of the same That the Sum of two Shillings sterling for every Hundred Acres be levied on all lands Holden or possessed by any person or persons or to which any person or persons is or are intituled to or interested in throughout this province (Lands whereon any churches or other Buildings for divine Worship or Buildings for charitable uses are Erected and lands appertaining to such churches and Buildings and all Slaves appertaining to or going with such churches Buildings or lands, & all Moneys appropriated for charitable uses always excepted. And the Sum of two shillings sterling per head be levied on all negroes, and other slaves within the limits of this province. And the Sum of fourteen Shillings sterling on every Hundred pounds sterling let out at Interest in this province over and above what such person

Enacting Clause.

Tax of 2s/ hundred Acres of Land.

Tax of 2s per head on all Slaves.

Tax of 14s/ on every £100 at Interest.

Tax of 14s/ ℔ hundred pounds Stock in Trade of Merchants and Store-keepers.

person or persons shall pay Interest for And that all merchants and storekeepers shall be rated by the Assessors and Collectors hereafter appointed by this Act at the rate of fourteen shillings sterling upon every Hundred pounds Sterling of the full value of their stock in trade provided nevertheless that any merchant or Storekeeper either in Town or Country, who shall have reason to believe that he she or they is or are overrated for his her or their stock in Trade, shall have five days public Notice given by the said Assessors in writing at the most publick place in the town or parish where such merchants or Storekeepers shall reside to swear off so much as he she or they shall think themselves over rated by the said Assessors or Collectors, and the said Assessors & collectors are hereby impowered and directed to Administer such Oath and to allow of an abatement And Be it Enacted by the authority aforesaid That all houses in Town and town lots shall be rated by the Assessors & Collectors equally and proportionably to the best of their knowledge at the rate of fourteen shillings sterling per Hundred pounds sterling of the Value of such Houses or lots, and any person or persons that shall have reason to believe that they are over rated for their Houses or lots, shall have liberty to swear off as above directed, for the Merchants stock in trade. And Be it Enacted by the authority aforesaid that all persons possessed of lands, Slaves, Monies at Interest or who are liable to pay any Tax by vertue of this Act shall on or before the last Tuesday in April next render a particular Account thereof in writing and in what parish the said lands and Slaves do lye to the best of their

Merchants or Storekeepers may Swear of so much as they think themselves over rated by assessors & Collectors. Houses in Town & Town Lots to be rated at 14s/ ℔ £100 of the Value of such Houses or Lots.

Tax account of each Person to be delivered in writing by the last tuesday in April.

their knowledge to the Collectors or Assessors of the several parishes respectively where the person who is to render such an Account do live and reside, and to no other person or persons whatsoever at such times and places as the said Collectors and Assessors or any one of them shall direct and appoint for doing thereof by public advertisement wherein information is to be given that the tax Account is to be delivered in upon Oath, and shall pay the Tax thereon to the said Collector or Collectors accordingly, and to no other person or persons whatsoever And the said Collectors and Assessors or any one of them shall and are hereby authorized, impowered and required to issue Executions against all such person or persons who shall refuse or neglect to pay their respective Tax as herein directed. And be it further Enacted by the Authority aforesaid, that the said Collector or Collectors and Assessors are hereby impowered and directed without respect of persons to administer the following Oath, to every person upon the Receiving their tax account (first entering the same in the list annexed to the several copys of this Act to which list every person lyable to pay Tax shall subscribe their name in the Collum for that purpose against his, her or their Tax account so enter'd by the Collectors & Assessors as aforesaid viz^{t}: I. A. B. do Solemnly swear in the presence of Almighty God that the Account now delivered by me to the Collector or Collectors & Assessors of the public Tax is just & true in the Number of Slaves Men Women and Children, the quantitys of land & town lots in this province that I am in any way vested, Intituled unto or interested in either in my own

Collectors & Assessors to give Publick information by advertisemt. of their place of meeting & that the Tax Account is to be delivered upon Oath.

Power of the Collectors and Assessors.

Direction to the Assessors & Collectors in receiving the Tax Accounts.

Form of the Oath to be administered by the Collectors & Assessors to every Person on receiving their Tax Account.

own right or as Attorney, Guardian Executor or Trustee to any other person or persons whatsoever, and of all the monies that I have at Interest over & above what I pay interest for, either of my own or of the Estate of any other person or persons so help me God. And Be it further Enacted by the authority aforesaid that in case any person whatever shall neglect or refuse to give in an account upon Oath and Subscribe the Tax list as aforesaid he she or they shall be liable to a fine of five pounds sterling for such neglect or refusal to be levied as shall be hereafter directed And the said fine shall be to the use of his Majesty for the support of this government, And shall be paid by the Collector or Collectors and Assessors levying the same into the hands of his Majestys Treasurer under the penalty of double the Sum so levied and not paid to the Treasurer upon due proof thereof, one half to the person who will sue for the same and the other half to be paid into the Treasury as aforesaid. And the Collector or Collectors & Assessors respectively refusing or neglecting to levy such fine shall be subject and liable to pay the Tax of such defaulter or defaulters if the same should not be paid in manner herein after directed, and upon due proof thereof the same shall within twelve months from the passing this Act be recoverable from such Collector or Collectors & Assessors by his Majestys Attorney General who is hereby impowered & directed to sue for the same, & upon recovery thereof (and the lawfull charges) to pay the same into the Hands of his Majesty's Treasurer for the publick services directed by this Act. And Be it further Enacted by the

Fine on Persons neglect or refusal in rendering their account of Tax in time & manner directed.

Fines to the use of His Majesty.

Penalty on Collectors & Assessors neglect of Duty in levying fines &ca.

Attorney General to recover the fines of Collectors & assessors and pay the same to the Treasurer.

Power of Collectors and Assessors in recovering the Tax of Defaulters.

the authority Aforesaid that in case any person whatever shall neglect or refuse to pay his her or their tax at the time & in the manner herein directed the Collectors or Assessors or any of them respectively within ten days after the time is fully elapsed shall and they are hereby required & directed to cause the same to be levied as shall be herein after directed for such Sum of money as the said Collector or Collectors & Assessors respectively shall believe the defaulters Tax doth amount to, reserving the right of such defaulter to swear off such sum as the said Collector Collectors or Assessors may have over charged such defaulter upon the said levy in the same manner as directed for the Stock in trade of merchants and Storekeepers And Be it further Enacted by the authority aforesaid that the fines and Tax money as aforesaid shall be levied upon every defaulter by vertue of a Warrant under the Hands and Seals of any Collector or Collectors or Assessors or any one of them respectively directed to any Constable requiring him to levy the same by distress & Sale of the defaulters goods returning the Overplus if any there be to the defaulter after deducting the following charges viz^{t}: for serving every execution one shilling sterling and one shilling for every pound sterling to be levied as aforesaid, and two pence for every mile, computed from the dwelling House of the Constable to the dwelling House or residence of such defaulter And the Collectors & Assessors respectively for every such Warrant he or they shall so issue shall have from such defaulter one Shilling and Six pence Sterling. And every Constable neglecting or refusing to execute the Warrants

Manner of recovering the Fines & Tax money of Defaulters by the Collectors and Assessors.

Fees upon the recovery of fines & Taxes.

Warrants and perform the duties hereby injoyned them shall for every such neglect or refusal forfeit and pay the sum of five pounds sterling, to be recovered by Warrant of distress from any Magistrate of the parish where the Offence is committel upon due proof thereof made by the Collector or Collectors & Assessors. And Be it further Enacted by the authority aforesaid that the several persons herein after named shall be and they are hereby appointed Collectors and Assessors for the several parishes herein after mentioned respectively, namely for the town of Savannah & parish of Christ Church Joseph Ottolenghe, William Ewen & Thomas Rasberry Esquires, For the town of Ebenezer and parish of S^{t}. Mathew William deBrahm Esquire M^{r}. John Gasper Wertch and M^{r}. William Moor, For Hallifax and the parish of S^{t}. George M^{r}. David Emanual, and M^{r}. Gasper Griner Jun^{r}. for the town of Augusta and parish of S^{t}. Paul John Fitch, John Rae Esquires and M^{r}. Robert Germany, For the town of Hardwick & parish of Saint Philip M^{r}. John Jagger and M^{r}. Joseph Butler Jun^{r}. For the parish of S^{t}. John M^{r}. John Stewart Jun^{r}. and M^{r}. Parmenus Way—For the parish of Saint Andrew M^{r}. Robert Stewart, M^{r}. Samuel Lewis and M^{r}. Hugh Morrison For the town of Frederica and parish of Saint James M^{r}. John Price and M^{r}. Thomas Clancey And whereas there are or may be Sundry Tracts of land Slaves Houses and Monies at Interest owned or claimed by persons not residing in this province Be it therefore Enacted by the Authority Administrators or persons any way concerned for absentees

Fines of Constables neglect or refusal in the Dutys injoined them —

Names of the Collectors & Assessors of the Several Parishes.

Direction to Assessors & Collectors for recovery of the Taxes of Non Residents.

absentees shall make due return to the respective Assessors or Collectors in the parish where he or they do reside in the same manner as the owner or Claimer above mentioned might or could do was he actually present. And such Attorney Trustee or others are hereby authorized and impowered to deduct the same from the money Effects or lands of such Absentee and shall be subject and liable to pay the tax that shall become due for the same, out of his own proper Estate unless such Attorney or Trustee should make Oath before the said Collectors or Assessors or any of them that he has renounced his power and Attorneyship before the said Tax became due without having done it only with Intention to avoid the payment of the same. And in failure of Effects in the hands of such Attorney trustee or other person paying the public Tax of absentees the said payment is hereby declared and made liable to be charged, and at any time hereafter recoverable in his Majesty's Courts of this province by the person paying the same or his Executors or Administrators As a debt upon the lands and Estates of such Absentee his her or their Heirs or Assigns. And if there be no Attorney Trustee or other person to be found that pay the Tax of such Absentees the Collectors or Assessors shall and they are hereby directed and impowered to Sell timber or any other Commodity thereon growing for payment of the Tax that shall become due as herein directed, or shall lease the lands for the payment of the same. And Be it Enacted by the Authority aforesaid, that all persons in any ways liable to pay tax by vertue of this Act shall pay the same on or before the last Tuesday

Any Person paying the Tax of absentees may charge the same as a Debt upon the Estate.

Timber may be Sold or the Lands Leased for Payment of the Tax of non Residents

Time of Paying the Tax to the Assessors & Collectors.

Tuesday in May next or within ten days after at farthest as aforesaid And the Collectors & Assessors shall give receipts if required such person writeing the same And the Assessors and Collectors shall on or before the last tuesday in July next close their Accounts, and deliver the same in person with the Tax Bill and list annexed, and an account of the lands held by Absentees or persons inhabiting this province that do not reside in the said parish to his Majesty's Treasurer for the time being upon Oath and pay him all such moneys as shall by them be respectively received in pursuance of the direction of this Act with a deduction of such Commissions only as shall be hereafter directed, which Oath the said Treasurer is hereby impowered and required to Administer in the following Words viz[t]: I. A. B. do Solemnly declare in the presence of Almighty God, that the Account of the Assessment and Collections of the public Tax in the parish of now delivered by me is just and true, & that I have faithfully put this present Act in Execution And that the list of the lands where no goods nor chattels can be levied upon is a just & true return to the best of my knowledge, so help me God, And the said Collectors and Assessors shall also sign the said list as directed for other persons giving in an Account to them, and give in at the same time to his Majesty's Treasurer an account of their own lands & Slaves and moneys at Interest, and pay the same upon Oath in manner before directed for persons giving into the Several Collectors and Assessors And Be it further Enacted by the Authority aforesaid that all deeds of gift conveyances or Mortgages Sales and Assignments

Receipts to be given if required.

Time and manner of Collectors & Assessors closing their accounts and paying the money to His Majestys Treasurer.

Oath of Collectors & Assessors to be Administered by the Treasurer.

Fine & manner of Collectors & Assessors paying their Tax.

Conveyances made to avoid paying the Tax declared to be null and void.

Assignments of land and Tenements, goods and chattels of any persons whatsoever made with an intent to avoid being assessed or paying tax are hereby deemed and declared to be fraudulent null and void to all intents & purposes whatsoever. And whereas several of the Inhabitants of this province have not paid the last public Tax as directed by an Act of this present general Assembly passed the twenty Eighth day of July, one thousand Seven Hundred and fifty Seven whereby the Sum of two Shillings Sterling ℔ head on all Slaves, two Shillings sterling for every Hundred Acres of land, The Sum of fourteen shillings Sterling for every Hundred pounds sterling let out at Interest in this province over and above what such person or persons should pay Interest for. And the Sum of fourteen shillings sterling upon every Hundred pounds sterling upon the full value of the stock in Trade of every Merchant and Storekeeper in this province and that all Houses in town and town lots should be rated equally and proportionably to the best of their knowledge at the rate of fourteen shillings sterling per Hundred pounds sterling of the value of such Houses or lots, and any person or persons should have liberty to swear off as therein directed for the merchants Stock in trade, was therein directed to be levied upon the said Inhabitants by the Collectors & Assessors therein named. And from some remissness the said last public Tax has not been duly and equally collected and a deficiency has thereby arisen in discharge of the public Debt, and the present Tax subject to be enlarged to the manifest detriment of his Majestys Subjects, for remedy whereof Be it further Enacted by the authority aforesaid that the

Recital of the last Tax Bill for the Direction of the Collectors & Assessors in recoverg. the Deffi-ciency from Persons not paying the Tax of the last year.

Collectors

Collectors and Assessors of the Several parishes herein named are hereby authorized impowered and directed to make due inquiry of such defaulters in payment of the last publick Tax, and to cause the same to be paid in the same manner, and at the same time as herein is directed for payment of the present Tax And in case of refusal or neglect of any person in payment of such deficiency of the former Tax in manner & time aforesaid the Collectors & Assessors shall cause the same to be levied by distress and Sale of the defaulters goods in manner as herein before is directed for the recovery of the present Tax, and for the better recovery of the said defficiencies the said Collectors & Assessors or any one of them are hereby impowered to administer an Oath to the following Effect viz^{t}: That C D hath duly paid the Tax of the last year and in case any person shall refuse to take such Oath or produce a receipt for the same, such person shall be deemed a defaulter and shall be proceeded against as herein before directed. And Be it further Enacted by the authority aforesaid that the Collector or Collectors & Assessors of each parish shall and they are hereby impowered to deduct from the Sum of the public Tax Collected and paid to his Majestys Treasurer as aforesaid the Commissions of Six pence sterling for every pound sterling received & paid by them as herein directed and no more. And Be it further Enacted by the authority aforesaid that the Collector or Collectors & Assessors herein named and appointed who shall neglect or refuse to do & perform the Several matters hereby directed and required of them respectively to be done within the time prescribed by this Act, for every such neglect refused

Direction to the Assessors & Collectors in the Recovery of the defficiency of the last Publick Tax.

Oath to be administered to Persons Supposed not to have paid their Tax of the last year.

Commissions allowed to Collectors and Assessors.

Penalty on Collectors and Assessors for neglect of duty & undue performance of this Act.

refusal and undue performance of the several matters hereby injoined them, shall forfeit double the damages of the publick Tax with Costs of Suit that shall be found upon the Trial of every such neglect refusal and undue performance of this Act as aforesaid. And his Majesty's Treasurer shall and he is

Treasurer to return a List of Defaulters to the Attorney General.

hereby impowered and directed to make out a list of all defaulters that come to his knowledge and of such Collector or Collectors & Assessors that make default in giving in and paying their several Collections to him in manner as directed by this Act and shall within twenty days after the time is fully elapsed, deliver the said list to his Majesty's Attorney General who is hereby impowered & directed

Direction to Attorney General to prosecute Defaulters & to pay the moneys recovered into the Treasurer.

without delay to Enter an action against every such defaulter or defaulters as aforesaid in the Sum of two Hundred pounds sterling to the intent that the full damages (and costs) as before directed may be recovered and paid into the hands of his Majestys Treasurer to be applyed by him towards defraying the publick debt in manner as hereafter is directed. And Be it further Enacted by the authority Aforesaid that his Majestys Treasurer or Magistrates or

Fine on the Treasurer or Magistrates for neglect of Duty.

either of them who shall neglect or refuse to do and perform the several matters hereby required of them to be done respectively within the time prescribed by this Act, for every such neglect or refusal shall forfeit the Sum of ten pounds Sterling to be recovered for and to the use of his Majesty towards the support of this government And Be it further Enacted by the Authority aforesaid that his Majestys' Treas-

Manner of issuing the Publick Money.

urer for the time being shall issue the money by Order of the Governor and Council for the purposes above

above mentioned. And in the following manner that is to Say for defraying the Expences of Holding Courts of Oyer and Terminer from the twenty ninth day of September, one thousand Seven Hundred and fifty eight, to the twenty ninth day of September, one thousand Seven Hundred and fifty nine a Sum not exceeding One Hundred, thirty five pounds, for defraying the Expences of the General Assembly a Sum not exceeding two hundred & fifteen pounds, For the public Commissary Twenty pounds, Armourer for keeping in order Seven hundred Stand of Arms twenty one pounds Fire & candles for both Houses five pounds, for contingent services a sum not Exceeding Ninety five pounds, a Sum not exceeding seventy nine pounds nineteen Shillings and Six pence due for the above Services from the twenty fourth of June one thousand Seven Hundred and fifty eight to the twenty ninth of September following a Sum not exceeding one Hundred and thirteen pounds thirteen Shillings & Six pence being sundry accounts allowed for the wounded and disabled sailors of the Sloop Tryall a Sum not exceeding Fifty pounds, fifteen shillings being a ballance due to the Clerk of the Commons House of Assembly not before provided for, a Ballance due to James Love two pounds four shillings, John Farley account for the pilots House five pounds twelve shillings, Isaac Tripp expences for a condemned Negroe Eleven Shillings, Coll: Noble Jones account omitted in the last Tax one pound seven Shillings and eleven pence half penny, Henry Lane account for the Committe going to Tybee, One pound four shillings and four pence, John Morell Account ommited

Estimate of the several Payments Provided for by this Act.

ommited in the last Tax thirteen shillings, Thomas Palmer account for the pilots House, Fourteen pounds four shillings and five pence Thomas Vincent account for Books for the Assembly and the General Court Eight pounds, John Mackintosh Esquire account for taking up a negroe Man on the river S^{t}. Johns & for conveying him to Savannah Goal, Fifteen pounds And the said Treasurer shall lay his Accounts before the Assembly to be inspected when thereunto required of all monies received & paid by him as herein before directed. And Be it further Enacted by the Authority aforesaid that this Act shall continue, and be in force for one year next after the passing the same and no longer.

Treasurer to lay his Accounts before the Assembly when thereunto required.

By order of the House

Dav^{d}. Montaigut *Speaker.*

By order of the upper House

Pat: Houstoun president.

Assented to 27th March 1759.

Henry Ellis.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

for appointing Commissioners to repair & secure the foundation of the Light House on Tybee Island.

Whereas

For Appointing Commissioners to Secure Foundation for Light House.

Preamble.

Whereas the Light House on Tybee Island is in great danger of being destroyed by the inrodes of the Sea, Sapping & undermining its foundation, it is become immediately Necessary to repair and secure a Building so beneficial to the Trade of His Majestys Southern Provinces on this Continent against future dangers from the incroachment of the Sea . . .

Enacted

Commissioners appointed & directed to agree wth. Over seers Workmen & Labourers & to Hire imploy & Contract for Boats, Carts, Horses &ca.

We therefore humbly pray your most Sacred Majesty that it may be Enacted. And be it Enacted by His Excellency Henry Ellis Esquire Governor & Commander in chief of His Majesty's Province of Georgia by and with the Advice & consent of His Majesty's Honourable Council & the Commons House of Assembly of the said Province in General Assembly met, and by the authority of the same That, the Honourable Jonathan Bryan Esquire, David Montaigut & James Deveaux Esq[rs]. and Joseph Wood Gent[n]. and Edmund Tannatt Esquire of the said Province, Be, and they are hereby appointed Commissioners with full power & authority to repair & make good the Foundation of the said Light House at Tybee, and to prevent the future encroachments of the Sea upon those parts of the Beach where the Light House is placed, And the said Commissioners or any three of them are hereby impowered to agree with Overseers Workmen & Labourers & to Hire employ and contract for Boats, Carts, Horses and such other necessaries and Utensils as they shall think proper for the Effectual Performance of the said Work And Be it further Enacted by the authority aforesaid That for and in discharge of the several expences of Overseers Workmen

men, Labourers, Boats Carts Horses and other necessaries and Utensils that may be required for this service, and for duely carrying this Act into Execution the Commissioners aforesaid or any three of them are hereby authorized and impower'd to certify the expence thereof to the Governor & Council who shall give orders on the Public Treasurer of this Province for the said Several expences and Services aforesaid to be paid by him out of the moneys provided for by an Act Intituled an Act to impower the Commissioners of the general Loan to stamp imprint sign & pay into the Hands of His Majesty's Treasurer the further Sum of Seven Hundred Ninety & Nine Pounds eight shillings & Eleven pence in Sterling Bills of credit to defray the expence of repairing the Church in Savannah for Building a Public Magazine in the said Town of Savannah, for securing the Light House of Tybee Island and to make good a Defficiency of the last Public Tax destroyed by an accident of Fire the same to be sunk and discharged in manner as directed by the said Act And Be it further Enacted by the authority aforesaid, That if any of the Commissioners herein appointed to carry this Act into Execution should refuse to Act, die, or depart this Province before the Duty's hereby enjoyned are compleated The Governor or Commander in Chief for the time being with the advice of His Majesty's Council is hereby Impower'd to appoint any other Commissioner or Commissioners in the place of such

—. in what manner the same is to be paid off & Discharged.

The Govr. to appoint a Comissioner or Commrs. in the room of any who should refuse to act die or depart this Province.

such person or persons so refusing to Act, dying, or departing this Province.

DAV^{D}. MONTAIGUT Speaker.

By order of the Upper House

PAT^{K}. HOUSTOUN President

Assented to y^{e} 27th March 1759.

HENRY ELLIS

(State Archives.)

AN ACT for the better regulating Fences in the Province of Georgia -

WHEREAS an Act Passed the seventh Day of March One Thousand seven hundred and fifty five in the first Session of the first general Assembly of this Province Intituled an Act to regulate Fences in the Province of Georgia has been found very ineffectual for the Purposes thereby intended AND WHEREAS, the fixing and establishing fit and proper Dimensions for all Fences and Inclosures to be erected and made in and about the several Plantations and Settlements of this Province would not only prevent the several owners and occupiers thereof so Fenced and inclosed from receiving any Damage from the Irruption straying or breaking in of Cattle Horses Sheep Goats or Swine but would likewise

Preamble

likewise Obviate any Doubts or Disputes happening or arising as to the strength and sufficiency of such Fences and Inclosures in case of any Irruption or Trespass to be committed within the same WHEREFORE We pray your most sacred Majesty that it may be enacted AND BE IT ENACTED by His Excellency Henry Ellis Esquire Captain General and Governor in Chief of this Young Majesty's Province of Georgia by and with the Advice and consent of the Honourable Council and Commons House of Assembly of the said Province in general Assembly Met and by the Authority of the same That from and after the Twenty Ninth Day of March One thousand seven hundred and Fifty Nine all Fences or Inclosures commonly called Worm Fences that shall be erected and made around or about any Garden Orchard Rice Ground Indico Field Plantation or settlement in this Province shall be six feet high when staked and rider'd and from the Ground to the Height of three feet of every such Fence or Inclosure the Rails thereof shall not be more than four inches distant from each other And that all Fences or Inclosures that shall consist of Paleing shall likewise be five feet high from the Ground and the Pales thereof not more than two inches asunder Provided always than where any Fence or Inclosure shall be made with a Ditch or Trench the same shall be four feet wide, and in that case the Fence shall be six feet high from the bottom of the Ditch AND BE IT FURTHER ENACTED that if any Trespass or damage shall be Committed in any Garden Orchard Rice Ground Indico Field Plantation or settlement not being Fenced and

Enacted.

That from 9th March 1759 all fences to be erected or made around or about any Orchard, Garden Rice ground &c in ye Prov shall be six feet high when staked & ridered & from ye ground to the height of three feet the rails thereof shall not be more than four Inches distant-

Pale fences to be five feet high from ye ground & not more than two Inches asunder Proviso where any Fence be made with a ditch ye same to be four feet wide--

and inclosed in manner as herein before is directed by the Irruption breaking in or straying of any Cattle Horses Sheep Goats or swine the Owner of such Cattle Horses Sheep Goats or Swine shall not be Liable to answer for such Trespass or to make good or satisfy any Damage or Injury that shall happen or be committed by reason thereof And in case any Person or Persons shall kill maim hurt or destroy or cause to be kill'd Maim'd hurt or destroyed any Cattle Horses Sheep Goats or Swine so Trespassing straying or breaking into any Garden Orchard Rice Ground Indico Field Plantation or settlement not Fenced and inclosed in manner as by this Act is directed all and every such Person and Persons shall answer and make good to the owner or owners thereof all such Injury and Damages as he or they shall sustain thereby the same to be recovered on due Proof thereof before any two Justices of the Peace for the district where the Offence shall be Committed and to be levied by Warrant of distress and Sale of the Offenders Goods AND BE IT FURTHER ENACTED that in case any Cattle, Horses, Sheep, Goats or Swine shall break into any Garden Orchard Rice Ground Indico Field Plantation or settlement being Fenced and inclosed according to the direction of this Act, then on Application of the Party agrieved it shall be Lawful for any of His Majesty's Justices of the Peace in the said Province to appoint any three indifferent Freeholders to View and Appraise the Damage so committed and Sustained and the Appraisment made and signed by the said Freeholders shall be delivered to the said Justice or any other who is hereby Authorized

Trespass committed in any Garden &ca not fenced as above, damage not liable to be Recovered from the Owner of any such Cattle &ca--

Persons killing maiming &ca any Cattle horses &ca trespassing &ca not fenced agreeable to this Act, every such Person to make good to the Owners thereof all such Injury or damage sustained thereby to be recovered on due proof before two Justices of the Peace

In case any Cattle horses &ca shall break in to any Garden Orchard &ca duly fenced agreeable hereto, on Application, any of his Majestys Justices of ye Peace to appoint three freeholders to View & appraise the damage committed, at which Appraisemt the sum to be Levied by Warrant of distress &ca

Authorized and impower'd to cause the sum so appraised to be levied by Warrant of Distress and Sale of the Offenders Goods AND BE IT FURTHER ENACTED by the Authority aforesaid that in case any free holder appointed by any Justice to View and Appraise any Damage said to be Committed shall neglect or refuse to make such View and Appraisement in manner as directed by this Act every such Freeholder so refusing or neglecting shall Forfeit and pay for every such Offence a sum not Exceeding Forty Shillings to be levied by distress and Sale of the Offenders Goods to be for the use of the Party injur'd AND BE IT FURTHER ENACTED by the Authority aforesaid that no Planter or other Person not having a lawfull Fence shall fix in any of his Inclosures any Canes or Stakes or any other thing that shall or may kill Maim hurt or destroy any Cattle Horses Sheep Goats or Swine under the forfeiture of Twenty Shillings Sterling for every such Offence on being Convicted thereof before any Justice of the Peace of the district or place where such Offender shall dwell upon Confession of such Offender or Proof by one or more Credible Witness or Witnesses upon Oath one half thereof to be paid to the Informer and the other half, to the poor of the said District the same to be Levied by Distress and Sale of the of the Offender's Goods by Warrant of the Justice before whom such Offender shall be Convicted returning to the owner the Overplus if any after all Charges Deducted PROVIDED always AND BE IT FURTHER ENACTED by the Authority aforesaid that in all Trials to be had before one

Freeholders appointed to appraise any damage neglecting or refusing to make such view &ca to forfeit forty shillings —

No person to fix Canes or stakes in any fence under the forfeiture of twenty shillings sterling

proviso

one or more Justices of the Peace by Virtue of this Act the Right of the Party to the Lands on which the Trespass or damage shall be said to be done, shall not be brought in Question but the same shall be taken for Granted to all intents and Purposes whatsoever, AND BE IT FURTHER ENACTED by the Authority aforesaid that the Act for regulating Fences in the Province of Georgia passed the seventh March One thousand seven hundred and Fifty five in the first Session of the first general Assembly of the said Province shall be and is hereby Repealed Revoked disannulled and for ever made void - - -

That in all Trials to be had before one or more Justice &ca the right of the party to ye lands on which the trespass is committed, not be brought in question-

Act for regulating fences &ca passed 7th March 1755, repealed & disannulled—

DAVID MONTAIGUT SPEAKER

By Order of the upper House

PAT HOUSTOUN President

Assented to y^{e} 27th day of March 1759

HENRY ELLIS

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

For establishing and confirming the Titles of the several Inhabitants of this Province to their respective Lands and Tenements.

Forasmuch as many Suits and Contests may hereafter arise by means of pretended Antient Titles to lands

Preamble

lands and Tenements derived from and under the late Lords Proprietors of Carolina the conditions of which Titles have not been complied with and the lands have since been regranted For Remedy and prevention whereof and for quieting the Estates of the present lawfull Possessors and avoiding Suits in law We pray your most Sacred Majesty that it may be Enacted and be it Enacted by his Excellency Henry Ellis Esq[r]. Captain general and Governor in chief in and over this his Majesty's Province of Georgia by and with the advice and consent of the honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same That all and every person or persons that are now possessed of or do hold any lands or Tenements whatsoever within the said province of Georgia by and under grants from the late honourable Trustees for establishing the Colony of Georgia or by and under Grants from his Majesty Obtained since the surrender of the Charter of the said Trustees are hereby established and confirmed in the Possession of their several respective Lands and Tenements and such Grants thereof are hereby accordingly ratified and confirmed and declared to be Good and valid to all Intents and Purposes whatsoever against all and all manner of Persons claiming any Estate or Interest therein by and under the said Lords Proprietors of Carolina or by or under any former Grant obtained before the Date of his Majesty's Charter to the said Trustees for establishing the Colony of Georgia

Enacted.

persons possessed of lands by title deriving from the late Trustees, or by Grant from his Majesty since the surrender of the Charter—Their possessions confirmed.

Georgia any Act law or Statute to the contrary Notwithstanding

By order of the Upper House

PAT: HOUSTOUN

By order of the Commons House of Assembly

DAV^{D}. MONTAIGUT Speaker.

Council Chamber

24th Nov^{r} 1759.

Assented to

HENRY ELLIS

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

To amend an Act passed in the third Session of this present general Assembly intituled an Act to prevent private Persons from purchasing Lands from the Indians, and for preventing Persons trading with them without Licence. Title.

Whereas in and by an Act passed in the third Session of this present general Assembly, It is amongst other things enacted that from and after the fifteenth day of February one thousand Seven hundred and fifty eight if any person or persons Whatsoever

whatsoever (other than such as shall duely obtain Licence or Licences from the Governor or Commander in Chief of the said province for the Time being or other person or persons for this purpose appointed by his Majesty his Heirs or Successors) shall directly or indirectly visit frequent haunt trade to traffick or barter with any Indian or Indians within the province of Georgia all and every such Offender or Offenders shall for every such Offence forfeit one hundred pounds sterling money of Great Britain the one half thereof to his Majesty and his Successors for the use of the said province and the other half to him or them who shall sue for the same by Action of debt or Information in the general Court of this Province. And Whereas the End and Intention of the said Act is in a great Measure defeated by reason that Offenders against the same are not lyable to be arrested or held to Bail on any Action or Information to be brought against them for the penalties in the said Act mentioned but only to be served with process to answer the Action or Information by which means it happens that persons offending against the said Act after being served with such process do remove out of the province and thereby elude the penalties by the said Act inflicted and also do put the Province to an Expence by Actions being ineffectually commenced against them For Remedy whereof We pray your most Sacred Majesty that it may be Enacted and be it enacted by his Excellency Henry Ellis Esquire Captain general and Governor in Chief in and over this his Majesty's said Province of Georgia by and with the advice and Consent of the honourable Council

Preamble

Enacted

Council and the Commons house of Assembly of the said Province in general Assembly met and by the Authority of the same That from and after the passing this Act It shall and may be lawfull to and for any Justice of the Peace of any District or Parish within this Province and he is hereby directed upon Information upon Oath before him made of any person or persons trading with Indians without Licence in Manner as in the said Act mentioned to issue a Warrant under his hand and Seal for the apprehending such Offender or Offenders And thereupon to take a Recognizance with one or more Surety or Sureties in the Penalty of one hundred Pounds Sterling for his her or their appearance at the then next general Court then and there to answer such Action or Information as shall be exhibited against him her or them for the Offence or Offences so committed And for want of such Surety or Sureties to commit such Offender or Offenders to the Common Goal.

That, upon Complaint made to the Justices upon Oath, of persons trading with Indians without licence.

Justices to issue a Warrant against the Offender & take a Recognizance with a surety in penalty of £100, and

the Offender omiting such surety to be committed to to Goal.

And be it further Enacted that this Act shall continue and be in force for the Term of Two years and no longer.

Duration of this Act.

By order of the Upper House
PAT: HOUSTOUN President

By order of the House
DAV^{D} MONTAIGUT Speaker

Council Chamber
6th December 1759.

Assented to
HENRY ELLIS.

From

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

for holding special or extraordinary Courts of Common Pleas for the Tryal of Causes arising between Merchants Strangers & Mariners.

Preamble.

Whereas frequent Disputes and Controversies happen between Merchants Dealers and others, and Masters of Vessels, Supercargoes, and other transient persons trading to and having commercial Concerns in this province which cannot be determined by legal process without Obliging the parties to waite the Time of holding the general Courts and the Ordinary Forms of proceeding therein, which Occasion great Charge and Expence to such Masters, Supercargoes, and other transient persons by detaining their Vessels in port when ready for sailing & otherwise damnifies the parties concerned to the Hindrance and Destruction of foreign Commerce For Remedy whereof we pray your sacred Majesty that it may be enacted And be it Enacted by his Excellency Henry Ellis Esquire Captain General and Governor in Chief in and over this his Majestys province of Georgia by and with the advice and Consent of the honourable Council and Commons House of Assembly of the said province in general Assembly met and by the Authority of the same That it shall and may be lawfull for the chief Justice and in his Absence for either of the Justices of the general Court of Pleas at any time after the passing of this Act upon Petition to either of them made by any Master of a Vessel, Super-Cargoe

Enacted.

Master of a Vessell &ca. petitioning the Chief, or Senior Justice to order a special Court within Seven days.

cargoe, or other transient persons who shall have any commercial Dispute or Difference with any Merchant Dealer, or other person in this province, setting forth in such petition the Nature of his Case and at the same Time making Oath that he cannot without great Inconvenience and Damage wait the Determination of such matter in Difference by the ordinary and usual Course of proceeding in the said Court, to order and they are hereby required to order & appoint a special or extraordinary Court to be held within Seven Days after the preffering of such position for the Tryal of such Cause or matter in Difference And be it Further enacted that immediately after the Appointment of Such Court the plaintiff or plaintiffs in such Suit shall forthwith sue out his or their Writ and affile the Declaration thereon to which the Defendant or Defendants shall appear immediate and plead to issue without Delay in Default whereof Judgment to be entred for the plantiff and thereupon a special Jury of merchants or other fit persons for Tryal of the said Matter shall be nominated and Struck before the chief Justice or one of the Justices of the said Court in like manner as special Juries are Struck in the Courts of Westminster Hall, every such Jury nominated to consist of Thirty persons out of which each party shall have Liberty to Strike Six and the remaining Eighteen of the first twelve or more of them that appear shall be the Jury to try such Cause, And the Jurors so named and Struck shall be accordingly summoned by the provost Marshal to appear at the said special Court a Venire facias being issued for this purpose returnable at such Court. And

The plaintiff suing out his Writ &ca. & defendant appearing, or in default Judgment to be entered up for the plaintiff and a special Jury consisting of thirty persons to be struck.

Provost Marshall to Summon Jurors

Fine of £4 upon Jurors not appearing.

And be it further enacted that if any person summoned on such special Jury shall not appear or on Appearance shall refuse to be sworn that it shall and may be lawfull for the said Court to fine every such Juror in a Sum not exceeding four Pounds And upon the Tryal of each Cause at the said Court the sum of Five shillings shall be paid to each Juror serving upon such Tryal And be it Further enacted that within two Days after such Tryal had and Verdict given final Judgment shall be entred thereon and Execution issued accordingly and such special Court shall be for this purpose adjourned until the third Day inclusive from the day of holding such Court as also for receiving any Appeal from the party against whom Verdict shall be given on such Tryal And be it Further Enacted that where any Suit or process in the general Court shall be commenced or issued against any Master of a Vessel, Supercargoe, or other transient person it shall and may be lawfull for the chief Justice or one of the Justices of the general Court as aforesaid upon the petition of such Defendant or Defendants in such Suit and Affidavit as herein before mentioned to appoint and order a special Court for the hearing and determining of such Suit in like manner as is herein before provided And be it Further enacted that as well the Defendant or Defendants as the plaintiff or plaintiffs in every such Suit or Notice to him or them given by the other party or parties his or their Attorney shall produce upon Oath at the said Tryal, all Instruments, Books, Letters, Papers, and Accounts, in his or their Custody or power relative to the matters in Difference In Default

5s Sterling to be paid to the Jurors upon every cause tryed —

Judgment &ca. to issue two days after tryal.

N. B. there being an amendment in Margin of Original fronting this Clause, Occasions the abstracts being omitted.

The Sum Set forth in declaration to be recovered against the party refusing to tender upon Oath all Instruments Books &ca., and

fault whereof by a Defendant or Defendants the plaintiff or plaintiffs shall and may recover against him or them the full sum Set forth in his or their Declaration And if by the Plaintiff or Plaintiffs refusing to produce such Instruments Books, Letters, Papers, and Accounts, then such Plaintiff or Plaintiffs to suffer a Non-Suit And be it Further enacted that this Act shall continue and be in Force for the Term of Two years from the passing the same and no longer.

plaintiff refusing to produce them to be non suited.

Continuance of this Act.

By order of the upper House

JAMES HABERSHAM

By order of the Commons House of Assembly

DAV^{D}. MONTAIGUT. Speaker.

Council Chamber

Assented to 4th March 1760.

HENRY ELLIS.

(State Archives.)

AN ACT to oblige Ships and other Vessels coming from Places infected with epidemical Distempers, to perform Quarentine —

Title.

WHEREAS 'tis highly necessary for the health of this Province that Persons or Merchandizes coming

Preamble

coming from Places infected with the small Pox, or other epidemical Distempers should perform Quarentine, WE therefore humbly pray your sacred Majesty that it may be enacted, and BE IT ENACTED by his Excellency Henry Ellis Esquire Captain General and Governor in Chief of the Province of Georgia, by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same, That during the present Infection in the neighbouring Province, and in all future Time when any Country or Place shall be infected with the Plague, small-Pox, or any other epidemical Distemper, all Ships or Vessels and Boats of what burthen so ever coming into this Province from such Place infected, shall be obliged to perform Quarentine in such Place and in such Manner and for such Time as shall be directed by the Governor or Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's honourable Council: And during that Time, and until the respective Ships Vessels or Boats shall be discharged of such Quarentine, no Person or Persons coming or Goods imported in such Ship or Vessel or Boat, shall come on Shore or go on board any other Ship or Vessel or Boat, or be landed or put into any other Ship or Vessel or Boat in any place within this province, other than such place as shall be appointed for that purpose; nor shall any Person go on Board any such Ship or Vessel or Boat without licence first had and obtained in writing under the Hand of such Person or Persons who shall be appointed to see

Enacted,

That during ye present Infection in ye neighbouring Province, & in all future Times when any place shall be infected with any epidemical Distemper, all Ships coming to this Province from such place shall perform Quarentine.

No Persons coming or Goods imported in such Ship &c to come on shore or go or be carried on board any other Ship &c or be landed or put into any other Ship &c in any place other than such as shall be appointed; & no person to go on board any such Ship & without Licence. - -

Quarantine

Quarentine performed. And the said Ships or Vessels or Boats, and the persons, and Goods coming and imported in or going on board the same during the Time of Quarentine, and all Ships Vessels Boats and Persons receiving any Persons or Goods under Quarentine, shall be subject to such Orders Rules and Directions touching Quarentine, as shall be made by the Governor or Commander in Chief for the Time being by and with the Advice and Consent of his Majesty's Honourable Council, and notified by Proclamation. AND BE IT FURTHER ENACTED by the authority aforesaid, That if any Commander or Master, or other Person taking the Charge of any Ship or Vessel or Boat coming from any place infected as aforesaid, shall go himself or permit or suffer any Seaman or Passenger to go on Shore, or on Board any Ship or Vessel or Boat whatsoever during the Quarentine, or until such Ship or Vessel or Boat shall be discharged from Quarentine, without such Licence as aforesaid, then and in all such Cases the Person offending shall forfeit and pay for every such Offence the Sum of One hundred Pounds Sterling, to be recovered by Action of Debt, Bill Plaint or Information in his Majesty's General Court of this Province and to be to his Majesty his Heirs and Successors for the Building of a Pest House; and the Justices of the said Court are hereby impowered to allow such Reward to the Informer or Informers (if any there shall be) out of the said ffine, as in their Judgment they shall see fit, so as the same shall not exceed a Moiety of the ffine levyed And if any Person or Persons whatsoever who shall arrive in any Port or place within

Ships Vessels & Goods & persons under Quarentine subject to the Order of the Govr. & Council.

Penalty on Masters of vesels going ashore or permitting any one to go ashore during Quarentine, or aboard any other Ship &c without Licence. — —

Penalty, how to be applyed. —

What Reward to be given Informers.

within this Province in any Ship or Vessel or Boat which shall by reason of his coming from any Country or place infected with any contagious Distemper be obliged to keep Quarentine shall quit such Ship or Vessel or Boat by coming on Shore or going on Board any other Ship or Vessel or Boat before or while under Quarentine, it shall and may be lawful for the Person or Persons appointed to see such Quarantine duly performed, and they are hereby required to compel such Person or Persons to return on Board such Ship or Vessel or Boat, and there to remain during the Time of Quarentine: And such Person or Persons so leaving such Ship or Vessel or Boat, and being thereof, after the Expiration of his Quarantine, convicted by Oath of one or more credible Witnesses before any one Justice of the peace living near the place where the Offence shall be committed, shall forfeit and pay into the Hand of the said Justice the Sum of fifty pounds Sterling; one third thereof shall be for the Informer, and the Remainder, after the necessary Expences are discharged, shall be applyed as hereinbefore provided; And in Default of such payment it shall be lawful for the said Justice to commit such Offender to the Public Goal of this Province for any time not exceeding twelve Months, nor less than Six Months. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever shall presume to go on Board and return from such Ship or Vessel or Boat required to perform Quarentine (*before or*) *during* the Time of Quarentine, without a licence as aforesaid, every such Offender shall be compelled, and

Passengers offending against this Act, how to be dealt with. —

Persons going on board any Ship &c requir'd to perform Quarentine & returning without Licence, how to be dealt with.-

and, in Case of Resistance, by fforce and Violence be compelled by the Person or Persons appointed as aforesaid to return on Board such Ship or Vessel or Boat, and there to remain during the Time of her Quarentine, and shall afterwards be liable to the ffine or Imprisonment as herein before directed in Case of Persons quitting a Ship or Vessel or Boat performing Quarentine, and to be disposed of as in that case provided; And the Master of such Ship or Vessel or Boat is hereby obliged to receive and maintain such person on Board accordingly. AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for any Officer of the Customs, or such as shall be appointed to take care that such Quarentine be duly performed, to seize any Boat or Skiff belonging to such Ship or Vessel, or which shall therewith be found, and to detain the same until the Quarentine shall be performed; And in Case any Officer or other Persons intrusted as aforesaid, shall Voluntarily suffer any Seamen belonging to such Ship or Vessel or Boat, or any Passenger therein to quit such Ship or Vessel or Boat while under Quarentine, every such Offender shall forfeit and pay the Sum of one hundred pounds Sterling for every such Offence, one third thereof to the Informer, and the remaining part thereof to be applyed as hereinbefore directed; to be recovered at his Majestys General Court at Savannah with Costs of Suit AND BE IT FURTHER ENACTED by the aforesaid Authority, That after the Quarentine shall have been duly performed according to the Proclamation to be issued as aforesaid, and this Act, and upon Proof to be made

officers of the Customs or persons appointed to take care that Quarentine be performed may seize any Boat &c belonging to any Ship &c under Quarentine & detain the same 'till Quarentine performed. —

Penalty on Officers offending agt. this Act.

After Quarentine performed & proof made thereof & that ye Ship &c & all persons on board are free from Infection, Ship &c not to be liable to any further Restraint -

made by Oath of the Master or other person having Charge of the said Ship or Vessel or Boat, and two of the Persons belonging to the said Ship or Vessel or Boat, before any one of his Majesty's Justices of the Peace for this Province, that such Ship or Vessel or Boat and all and every Person therein have duly performed the Quarentine as aforesaid, and that the Ship or Vessel or Boat and all the Persons on Board are free from Infectious Distemper, then, in such Case, such Justice is hereby required to give a Certificate (gratis) thereof, and thereupon such Ship or Vessel or Boat and all and every Persons therein shall not be liable to any further restraint by reason of any Matter or Thing contained in this Act—PROVIDED nevertheless, and it is hereby ENACTED That the Goods imported in such Ships or Vessels or Boats shall after such Quarentine performed be opened and aired in such Place or Places and for such Time as shall be directed by such Proclamation as aforesaid. AND BE IT FURTHER ENACTED by the Authority aforesaid, That whenever the Governor or Commander in Chief for the time being, with the Advice of his Majesty's Council, shall find it necessary to give any Orders or directions for preventing the small-Pox or other contagious Distemper being brought into this Province or from any Part of this Province infected therewith, into any uninfected part of this Province by Persons travelling by Land or by Water, IT shall and may be lawfull for the said Governor or Commander in Chief, with the advice and Consent of his Majesty's Council, by Proclamation for that Purpose to be issued, to prohibit all

any

Goods imported in Ships &c performing Quarentine to be opened & air'd—

What the Governor with Advice of Council may do, for preventing any contagious distemper being brought into this Province or from any infected part thereof to any uninfected part by Travellers by Land or Water

all and every Person or Persons coming from such infected Place to enter into or come within such Bounds Limits or Lines as shall be in such Proclamation described, for and during such Time as shall be therein mentioned; and to appoint Boats and Centinels to put the same in due Execution; And the Persons appointed, and every of them, shall have the same Power to compel any Person attempting to pass through or within such Bounds Limits or Lines to return, as is by this Act given to the Persons to be appointed for seeing Quarentine duly performed, And shall be liable to the same Penalties for suffering persons wilfully to pass through or within the same. And all and every Person or Persons wilfully passing through or within the said Bounds Limits or Lines shall be liable to the Fine or Imprisonment herein before directed in Case of Persons quitting any Ship Vessel or Boat performing Quarentine, and to be disposed of as in that Case Provided—

Power of persons appointed by the Govr. to execute his Orders.

Penalty on them for not putting Orders in due Execution. —

offenders agt. this Clause of the Act to be dealt with ye same as passengers quitting Ship &c performing Quarentine.

By Order of the Commons House of Assembly,

DAV^{D}. MONTAIGUT Speaker

By Order of the Upper House of Assembly

JAMES HABERSHAM

In the Council Chamber the 24th day of April 1760

Assented to,

HENRY ELLIS

State

(State Archives.)

AN ACT

Title. *for the more easy and speedy Recovery of small Debts and Damages. — .*

Preamble. WHEREAS the Ordinary Method of suing for and recovering small Debts in the General Courts is extremely expensive, insomuch that the Costs attending such Suits do frequently exceed the original Debt sued for, and is otherwise extremely inconvenient, by reason of the Distance of Many from the said Courts for remedy whereof WE humbly pray Your most sacred Majesty that it may be enacted, and BE IT ENACTED by His Excellency Henry Ellis Esquire Captain General and Governor in Chief of the Province of Georgia by and with the Advice and Consent of the Honorable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same, That from and immeditely after the passing this Act, all Actions of Debt or Damage (wherein the Titles of Lands are not concerned) whether the same be by Bond, Promissory Note or other Specialty, Accounts Book-Debts, or Assumpsits for any Sum not exceeding the value of Eight Pounds Sterling are and on all hereby be made issuable triable and determinable by His Majesty's Justices of the Peace and Jury as is by this Act directed, that is to say, all Actions of Debt or Damage for any Sum not exceeding fforty Shillings Sterling shall be tryed and determined by two Justices with three ffreeholders

Enacted, all Actions of Debt or Damage (where Titles of Lands not concern'd) not exceeding £8, Sterg to be determinable by Justices and Jury, as by this Act directed.

ffreeholders, and for any Sum above forty Shillings and not exceeding Eight Pounds Sterling, shall be tryed and determined before two Justices of the Peace by a Jury of Twelve Men. And upon Complaint of any Person whatsoever and Application made to any one Justice of the Peace for any Matter to be tryed by Virtue of this Act, the said Justice is hereby impowered and required by a Summons under his Hand directed to any Constable of the Parish to cause to associate with him at such time as is herein directed any one Justice and also to summon by Rotation as near as may be the Number of ffreeholders or Jury of the said Parish required by this Act (provided that no greater Number than Eighteen Persons be summoned as aforesaid to serve as Jurors at any one Court) to be and appear where the said Justice shall appoint or was Customary to meet for such Purposes; And the said Justice shall also by his Summons directed as aforesaid cause to be summoned any Person or Persons who have or do refuse or neglect to pay any Creditor or Creditors complaining of his her or their Debt or Debts as aforesaid, with all Witnesses which are required by either Plaintiffe or Defendant, for the better Proof bearing and opening the Actions aforesaid; And the said Justices having such Number of Jury as is by this Act required, shall upon full hearing and good Evidence produced, give Judgment in the Matter according to Conscience and Equity, which shall be final and conclusive both to Plaintiffe and Defendant without further Appeal, (except as hereafter excepted;) And in Case of the Non-Appearance of the Debtor upon

Actions of Debt or damage not exceeding 40s/ to be determined by two Justices & three ffreeholders; & for above 40s/ & not exceeding £8, to be determined before two Justices by a Jury of twelve Men.

Justice, upon Application, to cause to associate with him another Justice, & ffreeholders, or Jury for Trials of Causes;

also to summon Debtor, & all Witnesses required, by Plt. or Deft.

Justices to give Judgmt. according to Conscience & Equity; wch. to be final, except &c.

Debtor not appearing, Justices may pronounce Judgmt. by default & grant Exion

upon Summons duly served by the Constable and Affidavit made thereof, such Justices may and are hereby impowered and required to pronounce Judgment by Default, and may grant Execution against the Goods and Chattels of the Debtor directed to the Constable to levy as near as possible not to exceed the Amount of the said Debt or Damage with the Charges thereupon, and such Constable by virtue thereof shall as publickly as possible expose the same to Sale, first giving twenty five days Notice of such Sale, (except Horses, Cattle, or such Things as become expensive, or are perishable by Keeping,) in which Case such Sale shall be five days after the issuing of the said Execution, paying immediately the Money arising from the said Sale into the Hands of the Justices who shall have issued the Exectuion, and the said Justices shall forthwith pay the said Money to the Plaintiffe without any Deduction whatever, and return the Overplus (if any) in like manner to the Defendant, And if no Goods and Chattels can be found to levy upon, the Body of the said Debtor shall be committed to the Common Goal of the Parish, or to that of the nearest Parish or else to the Goal of Savannah- PROVIDED Nevertheless that the said Constable shall not sell any of the Goods and Chattels so levied as aforesaid, after that the Amount of such Sale shall be found sufficient to answer the said Debt and Damages together with the reasonable Charges attending thereon; and if the said Constable shall sell more of the Goods and Chattles so levied and as herein directed, shall upon due Conviction of every such Offence forfeit and pay double the Value of every Article

Constable to levy as near as possible ye Amot. of debt or Damge & Charges.

Constable to give 25 days Notice of Sale, except of such Things as become expensive or perishable by keeping, in which Case, to give 5 days Notice.

Constable to pay Money arising by Sale, immediately to the Justices, & Justices to pay same to Plt. Overplus, if any, to be return'd Deft.

If no Chattels to be found Debtor to be committed.

Constable not to sell any Goods after Amot. of Sale found sufficient to answer debt or damage & Charges;

so

so Sold after the Amount of such Debt and lawful Charges as aforesaid to be levied as in Cases of Debt and Damages as before directed and to be disposed of as hereinafter appropriated PROVIDED also that no Debtor shall be imprisoned out of the Parish wherein the Judgment is given, in Case the Debt or Damages do not exceed forty shillings Sterling, but shall be committed to the Care and safe Custody of the Constable who shall serve the Execution against the said Debtor, and there remain until the Plaintiff's Debt and the reasonable Charges are paid, and the said Constable shall receive such ffees as are hereinafter appointed by this Act. AND BE IT FURTHER ENACTED by the Authority aforesaid that in Case the Plaintiffe and Defendant shou'd reside in different Parishes of this Province and the Plaintiff's Demand should be a Book-Debt then the Plaintiff's Oath to a fair and just Copy of his Account sworn before any Justice of the Peace for the Parish where such Plaintiffe lives shall be admitted as Evidence of the Debt and the Plaintiffe is hereby impowered to appoint a Person (who is not an Attorney at Law) to appear in his behalf but if the Defendant shou'd have any Discount to offer against the Plaintiff's Demand the same shall be allowed being first duly proved and if any Plaintiff shall be non-suited or Judgment pass against him the said Justices are hereby impowered and required to assess Costs to the Defendant against such Complaint to be levied and recovered as hereinbefore directed. - - - - -

Constable offending herein to forfeit double ye value of every article so sold.

No Debtor to be imprison'd out of ye Parish where Judgmt. given if debt or damage to not exceed 40s but to be committed to the Care of ye Constable

Plt. & Deft. residing in different Parishes, & Plt's Demand being a Book-Debt, Plt's Oath to Copy of Acct. to be allow'd in Evidence

Plt may appoint a person to appear for him, not being an Attorney at Law.

Discount agt. Plt's. demd. to be allowed, being prov'd.

Plt Non-suited or Judgmt. passing agt. him Deft. to recover Costs.

x AND WHEREAS a long space of Time may often intervene between the issuing the Summons and

and the sitting of the Court and ill-disposed Persons with an Intent to defraud their Creditors either remove out of the Parish in which they are summoned or depart out of the Province BE IT ENACTED by the aforesaid Authority that in Cases of this Nature where the Plaintiffe is apprehensive that the Defendant will make such Removal or Departure and can satisfy any of the Justices of the Peace that his Suspicion is well grounded such Justice is hereby authorized to issue a Warrant under his Hand and Seal directed as before to apprehend the said Debtor and bring him or her before him to find sufficient Security for his or her Appearance at the next Sitting of the Court but if such Security for the Debt and lawful Charges cannot be obtained the said Justice shall commit the Debtor to the Care and Custody of the Constable until the next Sitting of the Court and no longer when his or her Cause shall be heard and determined PROVIDED nevertheless that in Case where a transient Person is thus committed or when the Defendant can make it appear of Unreasonableness in the Demand of the Plaintiffe or else when by reason of the length of Time happening between such Committment and the sitting of the Court, and thereby greater Expence and Charges might accrue to the Person thus Committed contrary to the Intention and Design of this Act in any such or the like Cases the Justice that shall have made such Commitment is hereby impowered and required within ten days after the Committing of such Debtor to summon another Justice and such a Number of Jury or Freeholders requir'd by this Act to hear and determine his

Justices authorized to issue Warrants agt. Debts suspected of having Intention to remove out of their Parishes or out of the Province, & oblige them to give Security for their Appearance, or commit them.

Transient Person thus committed & Plts demand appearing unreasonable, or length of time happening betwn. Commitment, & sitting of ye Court, Justices impower'd within ten days after Commitment to hold a Court for determining the Cause.

his or her Cause; any Law Usage or Custom to the contrary notwithstanding. - - - - - -

AND in order to prevent as much as possible Impositions and Extortions so greatly hurtful to Society and other Impediments that may frustrate the good Intention and valuable Ends proposed by this Act BE IT FURTHER ENACTED that the following ffees shall be taken and no more, Viz[t],

To the Justices

Justices ffees.

For a Summons.....six pence
For a Warrant to apprehend a Debtor .....one Shilling
For a Bail Piece.....One Shilling
For a Warrant of Distress..One Shilling
For an Attachment.....One Shilling
For Bail for an Appeal.....Six pence
For entring an Appeal to the General Court .....One Shilling

To the Constable

Constables ffees

For serving a Summons.....Six pence
For serving a Warrant.....One Shilling
For levying a Distress.....One Shilling
For keeping a Prisoner in Custody, per day.....One Shilling
For every Mile he shall be obliged to travel in Execution of the Premises Outward only....Two pence

AND BE IT FURTHER ENACTED by the Authority aforesaid that the Justices of the said Quarterly

Justices impowered to appoint Clerks

Quarterly Courts by this Act established shall be and they are hereby authorized and impowered to appoint Clerks of the said Courts respectively who shall keep fair Books of Entries of all Causes tryed at the said Courts and shall for their Trouble be intitled to a ffee of three pence Sterling in the Pound out of all Sums of Money Debts and Damages for which Verdicts shall be obtained in the said Courts to be paid by the Parties obtaining the same.

Persons appointed to put this Act in Exion taking any ffees other than by this Act established to forfeit double ye Sum taken.

AND BE IT ENACTED that if any Person or Persons concerned or appointed by this Act to put the same in Execution shall demand take or receive or cause to be demanded taken or received either on pretence of Gift Loan Exchange Barter or in any other Guise or on any Pretention whatsoever any Sum or Sums otherwise in Value for any Sum or Sums above the ffees established by this Act every such Offender upon due Conviction on Oath made by one or more Credible Witness or Witnesses before one Justice of the Peace for the Parish wherein the Offence is committed or before one Justice of the Peace of the next adjoining Parish shall for every such Offence forfeit and pay double the whole Sum so taken and received to be levied as herein before directed in Cases of Debtors and to be disposed of as hereinafter provided. - - - - - -

AND BE IT ALSO ENACTED by the aforesaid Authority that any Debt or Damage which doth not exceed the Value of fforty Shillings Sterling shall be heard tryed and finally determined before two Justices with three ffreeholders as is by this Act

Act directed holding a Court for that purpose on the first Thursday in every Month at Ten of the Clock in the fforenoon And any real Debt or Damage exceeding forty shillings and not more than Eight Pounds Sterling shall be heard tryed and determined by the Verdict of a Jury of Twelve Men before two Justices of the Peace on the first Thursday of every three Months, that is to say, on the Thursday in August, the first Thursday in November and the first Thursday in February at Ten of the Clock in the fforenoon And the said Justices are hereby impowered and authorized to adjourn the Court until the Business before them is finished. - -

Times of holding Courts.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that one of the Justices shall before the Tryal of any Causes administer to the Jury the following Oath, viz^{t}., "You shall well and "truly try the Cause now depending before you and "a true Verdict give according to Evidence; So help "you God." - - - - - -

Juror's Oath.

AND BE IT ALSO ENACTED by the Authority aforesaid, That in Case any Person or Persons shall think him her or themselves aggrieved by the Decree or Judgment of the said Quarterly or Special Court such Person or Persons is and are hereby at Liberty to enter an Appeal in the said Court at any time before Judgment is signed for any Sum above forty shillings and not under the said Sum PROVIDED Nevertheless that such an Appellant do first give Security to the Justices of the Court for double the Debt and Charges by the said Court adjudged

Persons thinking themselves aggriev'd by any Judgmt. of this Court, may appeal for any Sum above 40s / upon giving Security.

No Judgmt. to be signed or Exion issued for any Sum above 40s/ in less than ten days after hearing.

adjudged PROVIDED also that no Judgment signed or Execution issued for any Sum exceeding forty shillings in less than ten days after the hearing of such Cause. - - - - - -

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Persons seized in ffee Simple of ffifty acres of Land or upwards or of a Lot in any Town within this Province, and all Merchants Traders and other persons paying the Yearly Sum of five Shillings Sterling Tax or upwards (except Justices of the Peace Ministers of the Church of England and of dissenting Congregations tollerated by the Laws of England, Members of both Houses of Assembly, Commissioned Officers of the Militia licenced School Masters Physicians Apothecarys Sworn Attornies Mad-Men Ideots and Sick Persons) shall be and are hereby deemed and made liable to serve as Jurors at the said Quarterly Courts held in the Parish wherein they do respectively reside And if any such Person or Persons upon being duly summoned as hereinbefore directed shall neglect or refuse to serve at

Penalty on Jurors refusing to serve.

the said Court shall forfeit for every such Neglect or Refusal the Sum not exceeding ten shillings Sterling to be levied on his Goods and Chattels by a Warrant under the Hands and Seals of the Justices of the said Court, and the same, as well as other ffines to be levied by virtue of this Act, and not appropriated before, to be paid to the Church Wardens of the several—where such Persons reside for the Use of the Poor of the said Parishes respectively; And the said Justices are hereby impowered

powered and authorized to levy the like Sum in the Manner aforesaid on the Goods and Chattels of any such Witness or Witnesses he she or they refusing or neglecting to appear at the said Court when duly summoned to give his her or their Evidence or Evidences of what he or she knoweth concerning the Matter in Dispute between the Parties, each such Offenders shall severally forfeit and pay not exceeding the aforesaid Sum and be applyed as hereinbefore directed PROVIDED always that if any ffreeholders or Juror so summoned as hereinbefore directed and fined for his Non-Attendance shall give sufficient and satisfactory Reason to the Justices aforesaid all Proceedings against such ffreeholders or Jurors shall be stopped And the said Justices are hereby impowered and required when the Number of Jury or ffreeholders summoned as required by this Act for the Trial of Causes before them doth not attend the said Court to summon and require the immediate Attendance of other ffreeholders or Jury in the Parish as may most conveniently be had in order to proceed upon any Trial as aforesaid.

Penalty on Witnesses refusing to appear & give Evidence.

Proviso.

AND BE IT ALSO ENACTED by the Authority aforesaid That if any Constable shall refuse or neglect to execute any Order, Warrant Summons or Precept directed by this Act he shall for every such Offence forfeit and pay a Sum not exceeding Eight Pounds Sterling for the Use of the Party aggrieved the same to be levied by any two Justices of the Peace for the Parish where the Offence shall be committed by Distress and Sale of the Offenders Goods

Penalty on Constables refusing or neglecting Duty.

Goods And if any Constable shall wilfully refuse or neglect attending the hereby appointed Court when sitting he shall for every such Offence forfeit and pay the Sum not exceeding Twenty Shillings Sterling to be levied by Warrant under the hand and Seal of one Justice as hereinbefore directed and disposed of as hereinbefore provided. - -

Summons for Deft. to be delivered him by ye Constable, or left at his House or place of Abode, two days, for Sums under 40s/ & ten days if above 40s/, before sitting of ye Court.

AND to the End that Uniformity of Proceedings may be established throughout these Courts held in different Parishes BE IT ENACTED by the Authority aforesaid that the Summons for the Party complained against to appear and answer shall be delivered by the Constable to the person summoned or left at his House or usual Place of Abode for all Sums under forty shillings at least two days and for all Sums exceeding forty shillings ten days before the sitting of the said Court and shall be as follows: Georgia, Parish of

fform of Summons.

A. B. you are hereby Summoned to appear at the Court of Conscience to be held at . on Thursday the day of to answer a Complaint entered against you by C. D. And in Case of your Refusal or Neglect the Court will then proceed to examine the Matter on the part of the said C. D. and give Judgment therein, and award Execution accordingly. Given under my Hand &C.

A Summons for the other Justice

and

and Juror or Freeholders

Summons for Justice & Juror or ffreeholders.

Georgia, Parish of

To any Constable for the said Parish

WHEREAS several Causes are now depending at the Court of Conscience on the day of next ensuing; These are therefore to require any of you to summon A. B. one of His Majesty's Justices of the Peace for the Parish aforesaid and C. D. &C of the said Parish to be and appear at the time and place aforesaid to try and determine the said Causes. Given under my Hand &C.

A Summons for the Witnesses to appear and give Evidence.

Summons for Witnesses

Georgia, Parish of To any Constable for the said Parish

WHEREAS a Cause is now depending and to be tryed at the Court of Conscience on the day of between Plaintiffe and Defendant. These are to require you to summon to be and appear at the time and place aforesaid to give Evidence of what knoweth concerning the Matters in dispute between the said Plaintiffe and Defendant- Given under my Hand this day of &C

A Warrant of Arrest to secure a Debtor suspected of intend-

ing

ing to leave the Province.

Georgia, Parish of
To any Constable for the said
Parish

Warrant of Arrest to secure a Debtor suspected of intending to leave ye Province. —

WHEREAS A. B. has duly proved on Oath made before me that C. D. doth owe him the Sum of and there is Reason to suspect that the said C. D. will depart out of this Province. (or as the Case is) These are in His Majesty's Name to command any of you to take into your Custody the Body of the said C. D. and bring him before me or any other Justice of the Peace for this Parish to find sufficient Security for his or her Appearance at the next Court of Conscience. Given under my Hand and Seal this day of &C.

A Bail Piece or Bond.

Georgia, Parish of

Bail Piece, or Bond.

Know all Men by these Presents That I A. B. of am firmly bound to C. D. of in the Sum of Sterling in behalf of G. F. now under an Arrest at the Suit of C. D. if the said G. F. doth not appear at the Court of Conscience to be held for the Parish of on the day of—to answer the Complaint entered against him by the said C. D. then the said A. B. will make such Satisfaction and payment to the said C. D. as the Court shall direct. Witness my Hand this day of

An

An Execution on the Body or Goods, and to be signed by the two Justices by whom Judgment is given

Georgia, Parish of To any Constable of the said Parish, or to the Keeper of the nearest Common Goal.

Execuion

These are in His Majesty's name to charge and Command you, that on the Goods and Chattels of B. D. you levy or cause to be levied the Sum of Sterling which hath been by us adjudged to E. F. for a Debt as also the Sum of for the Costs and Charges expended in and about the Recovery thereof, whereof the said B. D. is convicted according to An Act of Assembly in that Case made and provided. And in Case no Goods and Chattels can be found whereon to levy the Sum aforesaid These are to require you to take the Body of the said B. D. and him to convey to the nearest Common Goal requiring you also the Keeper of the said Goal to receive and in safe Custody keep until he shall have paid and satisfyed the said Debt and Charges Given under our hands and Seals this day of

AND because it often happens that a Summons is served against a Debtor then residing in that Parish but before the Cause can be determined the said Debtor

Summons being served agt. a Debtor & he removing into anor. Parish before Cause determined and Exion issued, Justices to send their Award to a Justice where Debtor may be found who shall cause Constables of that Parish to execute the Award as if Judgmt. had been obtain'd there.—

Debtor removes his Abode into another Parish, and no Execution issued in one Parish can affect the Debtor in another and thereby the Plaintiffe is deprived of obtaining his just Debt BE IT therefore further ENACTED by the Authority aforesaid That in Cases of this Nature the Justices by sending their Award to a Justice of the Parish where such Debtor resides or may be found the said Justice shall cause the Constable of that Parish to execute the same in like manner as if the Judgment had been there obtained PROVIDED always that no Debtor who is an Inhabitant of this Province shall be obliged to answer to any Summons out of the Parish where he resides at the time of issuing such Summons, unless in the Parish where the Cause of Action ariseth

Attachments to be granted agt. Effects of Absentees for debts not exceeding £8 ——

AND be it also ENACTED by the Authority aforesaid That if any Person shall absent him or herself out of this Province not taking Care to satisfy and pay his or her just Debt it shall and may be lawful, for any Justice of the Parish where such Persons Effects are to grant a Writ of Attachment for any Debt not exceeding Eight Pounds Sterling directed to the Constable of the said Parish to attach the Money Goods and Chattels Credits or other Effects of such Person in whatsoever hands and possession the same be to answer such Creditor his or her Debt aforesaid, And in Case any Person in whose hands such Effects may be shall upon being served with such Attachment refuse to disclose upon Oath if required (which Oath any one Justice of the Peace is hereby impowered to administer) what

Method of Proceeding on Attachment.

Money

Money Goods Chattels (Lands always excepted) of the Debtors are in his or her hands and expose and subject the same to the Execution that upon Judgment obtained shall be granted then Judgment shall be entered up against him of his own proper Goods and Estate and Execution be awarded accordingly: But if the Person on whom such Attachment shall be served declaring upon Oath, if required that no Money Goods Chattels or Credits of the absent Debtor are in his or her Hands or Possession then the Person on whom such Attachment has been so served shall be intitled to all reasonable Charges and Expenses he or she may have been put to thereby PROVIDED Nevertheless that all Effects taken in Execution as aforesaid shall be brought to an Appraisement, but none of them (unless the same be perishable or chargeable in keeping) shall be sold until the expiration of three Months next after such Execution served, to the End that the Debtor may have an Opportunity to redeem them.

Stile of the Court.

AND be it further ENACTED by the Authority aforesaid that the Court for hearing such Causes hereinbefore specifyed shall be stiled THE COURT OF CONSCIENCE, and shall be and is hereby declared to be a Court of Record: And if any Person examined on Oath by vertue of this Act shall commit wilful Perjury and be thereof convicted such Person shall be subject to such Pains and Penalties as are inflicted by the Laws of England in Cases of this Nature.

Persons committing Perjury, to what Penalties subject.

AND be it further ENACTED by the Authority aforesaid

Persons suing in ye Genl. Court not recovering £8 Stg Plt to pay Deft. Costs.

aforesaid that in Case any Action for Debt or Damage as aforesaid shall be sued for in the General Court of this Province and the real Sum recovered shall not amount to the Sum of Eight Pounds Sterling exclusive of Costs then and in every such Case the Judges of the said General Court shall not allow the Plaintiff any Costs but shall award that the Plaintiffe shall pay Costs to the Defendant.

Justices impowered to make Rules and Orders of Court.

AND be it also ENACTED by the Authority aforesaid that the Justices be and are hereby impowered to make Rules and Orders for the regular Proceeding in the said Courts.

By Order of the Commons House of Assembly,

DAV^{D}. MONTAIGUT Speaker

By Order of the upper House of Assembly

JAMES HABERSHAM.

In the Council Chamber the 24th. - - day of April, 1760, Assented to,

HENRY ELLIS

(State Archives.)

AN ACT

Title.

for Impowering Trustees to purchase a House in the Town of Savannah for the Use of the present and future Governors of this Province - - -

Whereas

To Purchase a House for Use of Governors.

Preamble

WHEREAS it is highly expedient and Necessary that a proper and convenient dwelling-House should be provided, at the Public charge for the Reception and Residence of the Present and every future Governor which his Majesty in his great goodness shall think proper to appoint to the Government of this Province; AND WHEREAS the present Circumstances of the Inhabitants of this Province will not admit of the levying a Sufficient Sum for that purpose by any immediate Tax, Therefore, that a Work so becoming a grateful People to the Representative of so Gracious a Sovereign may no longer be delayed, WE pray Your sacred Majesty that it may be enacted, and BE IT ENACTED, by his Excellency Henry Ellis, Esquire, Captain-General and Governor in Chief in and over this his Majesty's Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province, in General Assembly met, and by Authority of the same, That the Trustees herein after appointed shall have power, and they are hereby authorized and required, with all convenient speed, to contract for and purchase a fit and commodious Dwelling-House in the Town of Savannah, with Offices, Out-Houses, and Appurtenances, and the Lot and Ground thereunto belonging, and to fit up and repair the same in the best manner, so as that the whole Sum to be laid out on the purchase and repair of the said Dwelling-House, Offices, and Appurtenances, doth not exceed the Sum of ffive hundred pounds. AND BE IT FURTHER ENACTED, that such House, Lot, Offices,

Trustees in this Act named authorised to purchase a commodious House in Savannah with offices &C the Ground thereto belonging & to fit & repair the same for ye use of His present Excellency & future Governors.

and

and Appurtenances, when purchased, shall be for the Use of the present and every future Governor and Commander in Chief of this Province for the time being. AND BE IT FURTHER ENACTED, that the Honourable Noble Jones and ffrancis Harris, Esquires, Joseph Ottolenghe, James Deveaux, and Henry Yonge, Esquires, or any three of them, shall be, and they are hereby nominated and appointed Trustees for purchasing such House and Lot, with Offices and Appurtenances, as aforesaid, and for carrying into execution the purposes of this Act; And they the said Trustees, and the Survivors and Survivor of them, their Heirs, and Assigns, after such Purchase made, shall stand seized of the same accordingly. AND BE IT FURTHER ENACTED, by the Authority aforesaid, That, for enabling the said Trustees to make the said purchase, and defraying the Expence thereof and for making such Repairs as may be necessary in such House and premises, it shall and may be lawful to and for the said Trustees to borrow and take up upon Loan the said Sum of ffive hundred pounds Sterling, by Sale of an Annuity to any one person, at a Rate and Interest not exceeding twelve pounds ten Shillings per Annum for every hundred pounds so taken up, which Interest shall be paid Yearly out of the Produce of the General Tax during the Natural Life of such Annuitant, and after his or her decease shall cease and determine. AND BE IT FURTHER ENACTED, that, for the better Security of such Person as shall advance the said Sum of ffive hundred pounds, That the said Trustees shall grant and demise the said House, Lot, and premises, with the

Trustees named, & they & ye Survivors & Survivor of them their Heirs & Assigns to stand Seized of premes for the use aforesaid. —

Trustees impowered to take up upon Loan 500£ Sterling, by Sale of an Annuity, to enable them to make the Purchase aforesaid. —

Trustees to demise the Premises to the Person advancing the Money for Term of 500 yrs. for better Security.

the Appurtenances, to the person who shall advance the same, for the Term of five hundred Years. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, by the Authority aforesaid, that the said House, Lot and premises, so to be demised as a Security for payment of the said Annuity, shall not be liable to be freed and discharged therefrom, by any tender to be made of any Sum of Money whatsoever to such Annuitant, without his or her Consent And for asmuch as those who lend Money on the Public ffaith ought not to suffer for so doing on any pretence whatsoever, BE IT FURTHER ENACTED, That if it shall happen hereafter that no Sufficient Yearly provision shall be made by the present or any future General Assembly for the payment of such Annuitant out of the General Tax, or by some other means equally effectual, That then, and in every such Case, it shall and may be lawfull to and for the then Governor or Commander in Chief of this Province, by and with the Advice and Consent of his Majesty's Honourable Council, to issue and pay such Annuity out of any Monies whatsoever that shall then be or come into the Hands of his Majesty's Treasurer within such Year; any former or subsequent Appropriation, Direction, or Limitation, contained, or to be contained, in any former or future Act of this province, to the contrary in any wise notwithstanding. AND BE IT FURTHER ENACTED, that such Sum or Sums, so to be taken and applied in discharge of the said Annuity, shall not be deemed or taken as part of the produce of such Fund or Funds from whence the same shall be so taken, but such Fund and Funds shall

Premises not to be discharged by tender of any Money to Annuitant without Consent.

No sufficient yearly provision being made by Genl. Assembly for payment of Annuity, Govr. with Consent of Council may pay the same out of any Monies in the Hands of the Treasurers.

Monies applyed in discharge of Annuity, not to be deemed as produce of Fund or Funds whence taken.

shall continue, and the several Actor Acts for granting and Establishing the same shall continue in full fforce and Efficacy, and they, and each of them. shall be, and they are hereby continued and made in force for so long and until the full Sum intended to be granted by the said Act or Acts, as therein expressed, shall be produced and raised thereby, over and above such Sum or Sums as shall have been taken therefrom for the payment of the said Annuity in manner as hereinbefore directed, Any thing herein, or in any other Act, contained, to the contrary in any wise notwithstanding -

By Order of the Commons House of Assembly.

DAV^{D}. MONTAIGUT Speaker

By Order of the upper House of Assembly

JAMES HABERSHAM

In the Council Chamber, the 24th day of April 1760, Assented to,

HENRY ELLIS

(State Archives.)

AN ACT

Title

for raising and granting to His Majesty the Sum of Eleven hundred and eighteen Pounds three Shillings and eight Pence Sterling; that is to say the Sum

For Expenses of Government and Militia.

Sum of Six hundred and Sixty eight Pounds three Shillings and eight Pence Sterling to defray the Expences of holding the Courts of Oyer and Terminer & some other Expences of Government, and the Sum of four hundred and fifty Pounds sterling for subsisting two hundred of the Militia for the Defence of this Province.

Preamble.

Whereas it is absolutely necessary that the Expence of the Courts of Oyer and Terminer and the Charges of the sitting of the general Assembly and some other Expences of Government should be provided for And also in this Time of Alarm and Danger it is become necessary that a Subsistance should be provided for such of the Militia as may be ordered out upon Duty Therefore for the well and truely effecting of these purposes We humbly pray your most sacred Majesty that it may be Enacted,

Enacted

And be it Enacted by His Excellency Henry Ellis Esquire Captain General and Governour in Chief in and over this his Majesty's Province of Georgia by and with the Advice and consent of the Honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the authority of the same That the Sum of two shillings and Six pence Sterling for every hundred Acres be levied on all Lands holden & possessed by any Person or Persons or to which any Person or Persons is or are intitled to, or interested in throughout this Province (Lands whereon any Churches or other Buildings for Divine Worship, or Buildings for Charitable Uses are Erected & Lands appertaining to such Churches & Buildings, and all Slaves appertaining

That 2s. 6d. Sterg. for every hundred acres be levied on all Lands holden or possessed by any Person or Persons, or wch. any Person or Persons is or are intitled to or are interested in throughout this Province (Church Lands Set

apart for Charitable Uses & Slaves appertaining thereto & Monies appropriated for Charitable Uses excepted) and 2/6d per Head on all Slaves within this Province & 14s/ on every £100 let at Interest, besides what such Person or Persons pay Intst. for: And that all Merchts. & Storekeepers shall be rated 14s/ Sterg. for every £100 of the value of their Stock in Trade. Merchants & Storekeepers thinking themselves over rated may swear off & the Assessors & Collectors impowered to administer Oath and allow an Abatement.

taining to or going with such Churches, Buildings or Lands, and all Monies appropriated for charitable Uses always excepted) And the Sum of two Shillings and Six Pence Sterling per Head be levied on all negroes and other Slaves within the limits of this Province, and the Sum of fourteen Shillings Sterling on every hundred Pounds Sterling let out at Interest in this Province over and above what such Person or Persons shall pay Interest for. And that all Merchants and Storekeepers shall be rated by the Assessors and Collectors hereafter appointed by this Act at the rate of fourteen Shillings Sterling for every hundred Pound Sterling of the full value of their Stock in Trade. Provided nevertheless that any Merchant or Storekeeper either in Town or Country who shall have reason to believe that he, she or they are over Rated for his her or their Stock in Trade shall have five Days public Notice given by the said Assessors in Writing at the most public Place in the Town or Parish where such Merchants or Storekeepers shall reside to swear off so much as he she or they shall think themselves over rated by the said Assessors or Collectors. And the said Assessors and Collectors are hereby impowered and directed to administer such Oath and to allow of an abatement. And be it Enacted by the authority aforesaid, That all Houses in Town and Town Lots shall be rated by the Assessors and Collectors equally and proportionately, to the best of their knowledge at the rate of fourteen Shillings Sterling per hundred pounds Sterling of the value of such Houses and Lots and every Person or Persons that shall have reason to believe themselves over rated

Houses in Town and Town Lots, to be rated at 14s/ per £100 Sterling value. Persons over rated may swear off in like manner as Merch.

for

for their Houses or Lots shall have Liberty to swear off as above directed for the Merchants Stock in Trade. And be it Enacted by the authority aforesaid, That all Persons possessed of Lands Slaves Monies at Interest, or who are liable to pay any Tax by Vertue of this Act shall on or before the last Tuesday in May next render a particular Account thereof in writing, and in what Parish the said Lands & Slaves do lie to the best of their knowledge to the Collectors or Assessors of the several Parishes respectively where the Person who is to render such an Account do live and reside and to no other Person or Persons whatsoever at such Times & Places as the said Collectors or Assessors or any one of them shall direct and appoint for doing thereof by Public Advertisement wherein Information is to be given that the Tax Account is to be delivered in upon Oath and shall pay the Tax thereon to the said Collector or Collectors accordingly and to no other Person or Persons whatsoever, And the said Collectors and Assessors or any one of them shall & are hereby authorized impowered and required to issue Executions against all such Person or Persons who shall refuse or neglect to pay their respective Tax as herein directed. And be it further Enacted by the authority aforesaid that the said Collector or Collectors and Assessors are hereby impowered and directed without respect of Persons to administer the following Oath to every Person on their receiving their Tax account (first entring the same in the list annexed to the several Copies of this Act to which List every Person lyable to pay Tax shall Subscribe their Names in the Column for that Purpose

All Persons possessed of Lands, Slaves, Monies at Intst. or liable to pay any Tax, to render a particular account thereof in writing to the Collectors or Assessors.

Collectors & Assessors authorized to issue Executions against Persons refusing or neglecting to pay Tax.

Oath to be administered by Collectors & Assessors to every Person on giving in their Tax Account.

pose against his or her Tax Account so entered by the Collectors & Assessors as aforesaid viz^{t}: "I. A. "B. do Solemnly Swear in the Presence of Almighty "God that the account now delivered by me to the "Collector or Collectors and Assessors of the public "Tax is just & true in the number of Slaves, Men "Women and Children the quantitys of Land & "Town Lots in this Province that I am in any way "vested in, intitled unto or interested in either in my "own Right, or as Attorney Guardian, Executor or "Trustee to any other Person or Persons whatsoever "And of all he Monies that I have at Interest over "and above what I Pay Interest for either of my "own or of the Estate of any other Person or Per-"sons, So help me God. And be it further Enacted by the Authority aforesaid That in Case any Person whatever shall neglect or refuse to give in an Account upon Oath and subscribe the Tax List as aforesaid, he she or they shall be liable to a Fine of five Pounds Sterling for such neglect or refusal to be levied as shall be hereafter directed, and the said Fine shall be to the Use of his Majesty for the Support of this Government and shall be paid by the Collector or Collectors & Assessors levying the same into the Hands of his Majesty's Treasurer under the Penalty of double the Sum so levied and not paid to the Treasurer upon due proof thereof, one half to the Person who will Sue for the same, and the other half to be paid into the Treasury as aforesaid And the Collector or Collectors & Assessors respectively refusing or neglecting to Levy such Fine shall be Subject and liable to pay the Tax of such Defaulter or Defaulters if the same should not be paid in manner

Penalty on Persons refusing or neglecting to give in an account upon Oath & Subscribe the Tax List.

Fine to be to the Use of his Majesty, and to be levied & paid by the Collectors & Assessors to the Treasurer, on penalty of double the Sum levied and not paid.

Collectors & Assessors refusing or neglecting to levy Fine, liable to pay the Tax of Defaulters, to be recovered by the Attorney General and paid to the Treasurer for the Services directed by this Act.

manner herein after directed. And upon due proof the same shall within twelve Months from the passing this Act be recoverable from such Collector or Collectors and Assessors by his Majesty's Attorney General who is hereby impowered and directed to Sue for the same, and upon recovery thereof (and the lawful Charges) to pay the same into the Hands of his Majesty's Treasurer for the public Services directed by this Act And be it further Enacted by the authority aforesaid That in Case any Person whatever shall refuse or neglect to pay his or their Tax at the Time and in the manner herein directed the Collectors and Assessors or any one of them respectively within Ten Days after the Time is fully elapsed shall and they are hereby required and directed to cause the same to be Levied as shall be herein after directed for such Sum of Money as the said Collector or Collectors and Assessors respectively shall believe the Defaulters Tax doth amount to, reserving the Right of such Defaulter to swear off such Sum as the said Collector, Collectors or Assessors may have overcharged such Defaulter upon the said Levy in the same manner as directed for the Stock in Trade of Merchants and Storekeepers. And be it further Enacted by the authority aforesaid That the Fines and Tax Money as aforesaid shall be levied upon every Defaulter by Vertue of a Warrant under the Hands and Seals of any Collector or Collectors or Assessors or any one of them respectively directed to any Constable requiring him to levy the same by distress and Sale of the Defaulters Goods, returning the Overplus if any there be, to the Defaulter after deducting the following Charges

Persons neglecting or refusing to pay Tax, Collectors & Assessors to cause the same to be levied, reserving to the Defaulters the Right of swearing off so much as they shall think themselves overcharged by the Collectors & Assessors.

Fines & Tax Money to be levied by Distress and Sale of Defaulters Goods, by Warrant under Hands and Seals of Collectors or Assessors or any one of them.

Charges on levying the same.

Charges viz^{t}: for serving every Execution one Shilling Sterling, and one Shilling for every Pound Sterling to be levied as aforesaid and two pence for every Mile to be computed from the dwelling House of the Constable to the dwelling House or Residence of such Defaulter And the Collectors and Assessors respectively for every such Warrant he or they shall so issue shall have from such Defaulter one Shilling and Six pence. And every Constable neglecting or refusing to execute the Warrants and perform the Duties hereby enjoined them shall for every such neglect or refusal forfeit and pay the Sum of five Pounds Sterling to be recovered by Warrant of Distress from any Magistrate of the Parish where the Offence is committed upon due proof thereof made by the Collector or Collectors and Assessors.

Penalty on Constables neglecting or refusing to perform their Duty.

Collectors & Assessors named & appointed.

And be it further Enacted by the authority aforesaid That the Several Persons herein after named shall be and they are hereby appointed Collectors and Assessors for the several Parishes herein after mentioned respectively, Namely For the Town of Savannah and parish of Christ Church Joseph Ottolenghe and William Ewen Esq^{rs}. For the Town of Ebenezer and Parish of Saint Matthew, Theobald Kieffer, John Ludwig Myers and John Goldwire Esquires—For Hallifax and the Parish of S^{t}. George, David Emanuel Esq^{r}. and M^{r}. John Kitt,—For the Town of Augusta and Parish of S^{t}. Paul, David Douglas Esq^{r}. Doctor William Day and M^{r}. John Petticrew.—For the Town of Hardwicke and Parish of S^{t}. Philip Joseph Butler and Elisha Butler Esquires—For the Parish of S^{t}. John, M^{r}. Samuel Jeans, M^{r}. William Baker Sen^{r}., M^{r}. William Graves and

and M^r. James Fisher For the Parish of S^t. Andrew John Mackintosh B. Esq^r. and M^r. Lachlan Mackintosh. For the Town of Frederica and Parish of S^t. James M^r. Samuel Piles and M^r. Thomas Clancy. And Whereas there are or may be Sundry Tracts of Land, Slaves, Houses and Monies at Interest owned or Claimed by Persons not residing in this Province Be it therefore Enacted by the Authority aforesaid that all Attorneys Trustees Executors or Administrators or Persons any ways concerned for Absentees shall make due return to the respective Assessors or Collectors in the Parish where he or they do reside in the same manner as the owner or claimer above mentioned might or could do was he actually present, And such Attorney Trustee or others are hereby authorized and impowered to Deduct the same from the Money Effects or Lands of such absentee and shall be Subject and liable to pay the Tax that shall become due for the same out of his own proper Estate unless such Attorney or Trustee shall make Oath before the said Collectors or Assessors or any of them that he has renounced his Power and Attorneyship before the said Tax became due without having done it only with Intention to avoid the payment of the same: And in failure of Effects in the Hands of such Attorney Trustee or other Person paying the Tax for Absentees the said Payment is hereby declared and made liable to be charged and at any Time hereafter recoverable in his Majesty's Courts of this Province by the Person paying the same or his Executors or Administrators as a Debt upon the Lands or Estate of such Absentee his her or their Heirs or Assigns. And

Attorneys Trustees &c. for absentees to make due return of Tax account to the Assessors or Collectors in like manner as the owners ought to do if present.

Attorney Trustee &ca. impowered to deduct the Tax from the Money Effects or Lands of absentee & liable to pay Tax for the same out of his own Estate, unless such Attorney or Trustee &ca. shall declare upon Oath that he hath renounced his Power or Trust before the Tax became due without Intention to avoid payment.

In failure of Effects in the Hands of such Attorney Trustee &c. paying Tax for absentees, sd. paymt. to be charged

& recoverable as a Debt upon the Lands or Estate of such Absentee.

If no Attorney Trustee &c. can be found to pay Tax of Absentees, Collectors & Assessors impowered to Sell Timber or other Commodity for paymt. of Tax or to lease the lands for paymt. of same.

And if no Attorney Trustee or other Person be found to pay the Tax of such Absentee the Collectors & Assessors shall and they are hereby required and impowered to Sell Timber or any other Commodity thereon growing for payment of the Tax that shall become due as herein directed or shall Lease the Lands for the payment of the same And Whereas the payment of the Public Taxes has been evaded by some Persons settled upon or near the Banks of the River Savannah that either hold or Lease Lands on the opposite side in South Carolina and thereby remove their Slaves from this Province at the Time of collecting the Tax; for Remedy whereof Be it further Enacted by the authority aforesaid That any Collector or Assessor herein appointed who of his own knowledge or by information Discovers any Person holding or Leasing Lands and owning any Slaves employed thereon in South Carolina upon rendering an Account of his or her Lands and Slaves, such Person shall produce a Receipt or Certificate of the Number of Slaves for which the Public Tax hath been paid by him or her the present year from the Collector or Collectors of the Tax in the said province of South Carolina, or shall make Oath before the Collectors or Assessors or one of them to whom such Account is delivered who are hereby impowered to administer the same to the following effect viz^{t}: That he or she hath paid the public Tax in the Province of Carolina the present year for all his or her Slaves other than such as are contained in the List or account delivered to such Collector or Assessor pursuant to the direction of this Act And every Person refusing to produce such

Any Collector or Assessor discovering Persons Settled upon or near the Banks of Savannah River holding or Leasing Lands on the opposite side in South Carolina & owning Slaves employed thereon, upon rendering an Acct. of their Lands & Slaves, such Persons to produce a Rect. or Certificate of the Number of Slaves for wch. Tax hath been paid from the Collector of the Tax in. So. Carolina or to make Oath that they have paid Tax in So. Carolina for all their Slaves except such

such Voucher or to make Oath as aforesaid that he or She hath paid in Carolina the Tax of such Slaves as are not contained in the list delivered by him or her such Person so refusing shall be deemed a Defaulter and shall be liable to pay the Tax for the full number of Slaves such Person owns, And the Collector or Collectors and Assessors or any one of them where such Default is made is hereby required and directed to grant Execution accordingly in manner before directed by this Act for other Defaulters. And the Collector & Collectors or Assessors neglecting or refusing so to do shall be liable to the same Fines and penalties to be recovered in the same manner as other the Fines and penalties by Default of the Collectors & Assessors are herein by this Act directed And be it Enacted by the authority aforesaid That all Persons in any wise liable to pay Tax by Vertue of this Act shall pay the same on or before the last Tuesday in June next or within ten Days after at farthest as aforesaid And the Collectors or Assessors shall give receipts if required such Person writing the same. And the Collectors and Assessors shall on or before the last Tuesday in August next close their Accounts and deliver the same in Person with the Tax Bill and List annexed and an Account of the Lands held by Absentees or Persons inhabiting this Province that do not reside in the said Parish to his Majesty's Treasurer for the Time being upon Oath and pay him all such Monies as shall by them be respectively received in pursuance of the direction of this Act with a Deduction of such Commissions only as shall be hereafter directed which Oath the said Treasurer is hereby impowered and

as are contained in the Acct. delivered.

Every Person refusing to produce such Voucher or make such Oath to be Deemed a Defaulter and liable to pay Tax for all Slaves such Person owns and Execution to be grantd. as against other Defaulters. Penalty on Collectors and Assessors neglecting or refusing to grant Exec'ons and how to be recovered.

All Persons liable to pay Tax, to pay the same on or before the last Tuesday in June next, or within ten Days after at farthest.

Collector & Assessors to close their Accounts on or before the last Tuesday in August next, and deliver the same in Person with the Tax Bill & List annexed, and an Account of the Lands held

by Absentees to the Treasurer upon Oath and pay him all such Monies as shall by them be received deducting such Commissions as are by this Act directed.

Oath of Collectors & Assessors.

Collectors & Assessors to sign the List and give in to the Treasurer an Acct. of their own Lands, Slaves and Monies at Interest and pay their Tax upon Oath.

Deeds of Gift Conveyances Mortgages &c. made with Intent to avoid paying Tax declared fraudulent & void.

and required to Administer in the following Words viz[t]: "I. A. B. do Solemnly declare in the Presence "of Almighty God that the account of the Assessors "and Collectors of the Public Tax in the Parish of " now delivered by me is just and true and "that I have faithfully put this Act in Execution and "that the List of the Lands where no Goods or Chat-"tels can be levied upon is a just and true Return to the best of my knowledge "So help me God" And the said Collectors and Assessors shall also Sign the said List as directed for other persons giving in an account to them and give in at the same Time to his Majesty's Treasurer an account of their own Lands and Slaves and Monies at Interest and pay the same upon Oath in Manner before directed for Persons giving in to the several Collectors and Assessors And be it further Enacted by the authority aforesaid That all Deeds of Gift Conveyances or Mortgages, Sales and Assignments of Lands & Tenements Goods or Chattels of any Person whatsoever made, with an intent to avoid being assessed or paying Tax are hereby deemed fraudulent Null and void to all Intents and Purposes whatsoever And Whereas there are or may be several of the Inhabitants of this Province that have not paid the last public Tax as directed by an Act of this present General Assembly passed the twenty ninth day of March one thousand seven hundred and fifty nine whereby the Sum of two shillings per head on all Slaves, two Shillings for every hundred Acres of Land, fourteen Shillings sterling for every hundred pounds Sterling let out at Interest in this Province over and above what such Person or Persons should

pay

pay Interest for, and the Sum of fourteen shillings Sterling upon every hundred Pounds Sterling upon the full value of the Stock in Trade of every Merchant and Storekeeper in this Province and that all Houses in Town and Town Lots should be rated equally and proportionably to the best of their knowledge at the rate of fourteen Shillings Sterling for every hundred Pounds Sterling of the value of such Houses or Lots and any Person or Persons should have liberty to swear off as therein directed, to be levied upon the said Inhabitants by the Collectors and Assessors therein named Be it Therefore further Enacted by the authority aforesaid that the Collectors and Assessors of the Several Parishes herein named are hereby authorized empowered and directed to make due Enquiry of Such Defaulters in payment of the last Public Tax, and to cause the same to be paid in the same manner and at the same Time as herein directed for payment of the present Tax, and in Case of refusal or neglect of any Person in payment of such Deficiency of the former Tax in manner and Time aforesaid the Collectors and Assessors shall cause the same to be levied by Distress and Sale of the Defaulters Goods in manner as is herein before directed for the recovery of the present Tax And for the better Recovery of the said Deficiencys the said Collectors & Assessors or any one of them are hereby impowered to administer an Oath to the following effect That I. C. D. have duely paid the Tax of the last year, And in Case any Person shall refuse to take such Oath or produce a Receipt for the same such Person shall be deemed a Defaulter, and shall be proceeded against as herein before

The Collectors & Assessors herein named impowered to make enquiry of Defaulters in paymt. of the last public Tax and to cause same to be paid in same Manner & at same Time as is directed for payment of present Tax, And in Case of refusal or neglect in paymt. of deficiency of former Tax, Collectors and Assessors to cause the same to be levied as is directed for recovery of present Tax.

Oath wch. the Collectors & Assessors are impowered to administer for the better recovery of Deficiencies of former Tax.

Persons refusing to take such Oath or to produce a Rect. for former Tax to be deemed Defaulters.

What is allowed to the Collectors & Assessors for Commissions.

Penalty on Collectors & Assessors neglecting refusing or unduly performing ye matters by this Act enjoined them.

His Majestys Treasurer to make out a List of all Defaulters, and of such Collectors or Assessors that shall make Default in giving in or paying their Collections & within twenty days after the Time fully elapsed deliver the List to his Majesty's Attorney General, who is without delay to enter an Action against every such Defaulter.

before directed. And be it further Enacted by the authority aforesaid that the Collector or Collectors of each District shall and they are hereby impowered to deduct from the Sum of the Public Tax collected and paid to his Majestys Treasurer as aforesaid the Commissions of Six pence Sterling for every Pound Sterling received and paid by them as herein directed and no more. And be it further Enacted by the authority aforesaid that the Collector or Collectors and Assessors herein named & appointed who shall neglect or refuse to do & perform the several Matters hereby directed & required of them respectively to be done within the Time prescribed by this Act for every Such neglect Refusal or undue performance of the several Matters hereby enjoined them shall forfeit double Damages of the Public Tax with Costs of Suit that shall be found upon the Tryal of every such neglect or Refusal and undue Performance of this Act as aforesaid. And his Majesty's Treasurer shall and he is hereby impowered and directed to make out a List of all Defaulters that come to his knowledge, and of such Collector or Collectors or Assessors that shall make Default in giving in or paying their several Collections to him in Manner as directed by this Act And shall within Twenty Days after the Time is fully elapsed deliver the said List to his Majesty's Attorney General who is hereby impowered and directed without delay to enter an Action against every such Defaulter or Defaulters as aforesaid in the Sum of two hundred Pounds Sterling to the Intent that the full damages and Costs as before directed may be recovered and paid into the Hands of his Majesty's Treasurer to be

be applied by him towards defraying the public Debt in manner as herein after directed. And be it further Enacted by the authority aforesaid that his Majesty's Treasurer or magistrate or either of them, who shall neglect or refuse to do and perform the several Matters hereby required of them to be done respectively within the Time prescribed by this Act for every such neglect or Refusal shall forfeit the Sum of Ten Pounds Sterling to be recovered for and to the Use of his Majesty towards the Support of this Government. And be it further Enacted by the authority aforesaid That his Majesty's Treasurer for the Time being shall issue the Money by order of the Governor and Council for the purposes above mentioned and in the following Manner That is to Say For defraying the Expences of holding the Courts of Oyer and Terminer from the twenty ninth day of September one thousand Seven hundred and fifty nine to the 29th day of September 1760 a Sum not exceeding one hundred and thirty five Pounds. For defraying the Expences of the General Assembly to the twenty ninth of September one thousand Seven hundred and Sixty, a Sum not exceeding two hundred and five Pounds.

Penalty on his Majesty's Treasurer or Magistrate neglecting or refusing to perform the matters hereby required of them within the Time prescribed by this Act.

His Majesty's Treasurer to issue the Public Money by Order of the Governor & Council.

Estimate of Publick Expences.

To the Register of the Grants a Sum not exceeding Ten Pounds.

To the Public Commissary a Sum not exceeding twenty Pounds.

To the Armourer, a Sum not exceeding twenty one Pounds.

For contingent Services a Sum not exceeding one hundred and thirty Pounds.

To

To James De Veaux Esq^{r}. Senior Judge of the Court, his Account Six Pounds Seven Shillings and Six Pence.

To Thomas Gegg Clerk of the Crown his Account Seven Pounds fifteen shillings and two Pence.

To Thomas Gegg his other account two Pounds nineteen Shillings and Six pence half penny.

To the Reverend Bartholomew Zouberbughler Rector of Christ Church in the Town of Savannah a gratuity by agreement of both Houses of Assembly for his Sermon preached before them Ten Pounds ten Shillings.

To William Ewen Esq^{r}. his account for Plats of Savannah, two Pounds.

To Adrian Loyer his account for repairing and keeping in repair the Public Clock Seventeen Pounds.

For Subsisting two hundred of the militia at Six pence per Day each for ninety Days, four hundred and fifty Pounds.

To Cornelius MacCarty his account for repairs of the Guard House Seventeen Shillings and nine Pence.

To Thomas Tripp his account for Work at the Court House five Pound ten Shillings and eleven Pence.

To the Clerk of the Assembly Ballance of his Account for incidental Business the last Session of Assembly twelve Pounds Eleven Shillings.

To

For Expenses of Government and Militia.

To the Attorney General as a Gratuity for his Services in drawing Sundry Bills for the Assembly, ten Pounds ten Shillings.

Arrears of the year one thousand Seven hundred and fifty nine, thirty one Pounds five Shillings and three pence half penny.

To Matthew Marshall his account Expences in bringing a Felon to Goal, three Pounds ten Shillings.

To Paul Harralson his account for Summoning Evidences in behalf of the Crown, three Pounds twelve Shillings and eight Pence.

To Thomas Lee, his Account omitted in one thousand seven hundred & fifty eight as Cryer of the Court, five Pounds.

To John Ellcott Esq^{r}. his account paid Casper Sturky for the Cure of a wounded Spaniard, five Pounds.

To John Lupton, Constable at Midway his account for the Tryal of Negroes, one Pound two Shillings and four Pence.

To Ma^{c}Carthy and Blyth their account for Work, at the Court House, one Pound one Shilling and Six Pence.

To Doctor Thomas Ford, his account for the People of this Province, Wounded by the Cherokee Indians, Twenty Pounds & ten Shillings.

And the said Treasurer shall lay his Accounts before the Assembly to be inspected when thereunto required

Treasurer to lay his Accots. before the Assembly when required.

required of all Monies received and paid by him as herein before directed. And be it further Enacted by the authority aforesaid that this Act shall continue and be in force for one year next after the passing the same and no longer.

Continuance of this Act.

By order of the Commons House of Assembly

DAVID MONTAIGUT Speaker.

By order of the Upper House of Assembly

JAMES HABERSHAM.

In the Council Chamber the 24th day of April 1760.

Assented to

HENRY ELLIS

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

Title.

for repairing and rebuilding the Forts heretofore erected in the several Parishes of this Province, and for the better securing the Town of Savannah by erecting a Fort round the Magazine and Block-Houses within the Lines of the said Town.

Preamble.

Whereas the Forts heretofore erected in this Province by Virtue of An Act of the General Assembly Intituled an Act for the better security and Defence

Defence of the Province of Georgia by erecting Forts in the several Parts thereof, and for appointing Commissioners to carry the same into Execution, are very much out of repair and incapable of Defence, and some of them so far decayed as to require rebuilding. And Whereas the Hostilities lately commenced by the Cherokee Indians against his Majesty's Subjects of this and the Neighbouring Colonies makes it absolutely necessary for the saftey and Preservation of the Inhabitants of this Province to put the same in a Condition of immediate protection and defence, by forthwith repairing and rebuilding the said Forts, and adding other works thereto where Necessary We therefore pray your Sacred Majesty that it may be enacted And be it Enacted by his Excellency Henry Ellis Esquire, Captain General and Governor in chief in and over this his Majesty's Province of Georgia, by and with the advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met, and by the Authority of the same, That the Commissioners herein after named and appointed shall be and they are hereby authorized and impowered to repair and rebuild the several Log-Forts heretofore erected in this Province, and to construct and make additional Works thereto, as also to build other Forts where necessary, in the several Parishes herein-after mentioned, in such manner as the several and respective Commissioners for the same (or the Majority of them) shall think most fit and Convenient for the safety and Defence of the Inhabitants of such Parishes And Be it further Enacted by the authority aforesaid

Enacted

That the Commissioners in this Act named be Impowered to repair & rebuild the Log Forts heretofore erected & make additional Works to them & to build other Forts where necessary in the several Parishes in this Act mentioned.

Commissioners for the Parish of Christ Church or any 5 of 'em impowered to build a Fort to include the Magazine in the Town of Savannah

And Block-Forts in the Bastions round the said Town.

And to contract for materials & imploy Workmen, & if need be, to impress Workmen & Labourers, & seize Timber or other materials for the speedy compleating the Fortifications of the said Town.

said that the Commissioners of Fortifications for the Parish of Christ Church hereinafter named, or any five of them shall have full Power to construct and cause to be built a Fort to include the Magazine in the Town of Savannah of such form and space as to them shall be judged most Convenient And also so many Block Forts in the several Bastions round the said Town, as shall appear to them to be necessary for the Defence of the same And the said Commissioners are hereby fully impowered to Contract for materials and imploy Workmen to compleat this Necessary Service without Delay And if need be, and the Necessity of the Work Should require it, to impress Workmen and Labourers and to Seize for the Public use such Timber, Timber-Trees or other Materials that may be necessary and can with most Convenience be procured for the speedy compleating the Fortifications of the said Town of Savannah, paying the usual price for the same, and such Workmen Labourers and Necessary Materials shall be paid for in manner herein after directed by this Act And Be it further Enacted by the Authority aforesaid that the Commissioners herein appointed for the out-Forts in the several Parishes of this Province shall and they are hereby Authorized & Impowered where an Additional Labour is requisite for repairing any of the said Forts, or building such as are directed by this Act to Summon and imploy the Male Slaves of the said Parishes respectively from the Age of Sixteen years to Sixty for Term as may be necessary for the said Service of repairing and building such Out Forts as aforesaid so that the same does not exceed Six Days, And such Labour

Commissioners for the Out-Forts to imploy the Male Slaves of the several Parishes to repair & build such Forts for a Time not exceeding Six Days; and Owners of Slaves so imployed to be discharg'd from so much Road Work for the present year.

so

so imployed shall be deemed and taken for so much Work on the Public Road of such Parish or Parishes and the Owner & Owners of such Slaves so Working shall be Discharged from so much Road Labour for the present year And if any Person shall refuse to attend with their Male Slaves and perform the Duty hereby injoined such Person so neglecting or refusing shall be liable tc the same Penalties as are Directed by an Act of the General Assembly Intituled an Act to impower the several Surveyors therein after named to lay out Public Roads in the Province of Georgia to be recovered by the Commissioners of Fortifications where the Offence is Committed And Be it further Enacted that for enabling the Commissioners of the Parish of Christ Church to put the Town of Savannah in the State of Defence directed by this Act and to carry the same duely into execution, And for enabling the Commissioners of the Out-Forts aforesaid to provide Military Stores and other Necessaries for their Defence, There shall be allowed and paid to them respectively the following Sums of Money to be issued by order of the Governor and Council of the said Province on the Certificates of the said Commissioners for the Services performed agreeable to the Directions of this Act, (that is to say) unto the Commissioners of the Parish of Christ Church, for the better fortifying and Securing the Town of Savannah by erecting a proper Fort round the Magazine of the said Town and four building Block-Houses within the Lines of the same the Sum of Eight hundred Pounds, as also such further sum or Sums as shall be & remain in the Hands of his Majesty's Treasurer as paid to him by the

Persons refusing to attend with their Slaves & perform the Duty by this Act injoined to be liable to the same penalties as are inflicted by the Road Act.

Monies allowed to the Commissioners of Christ Church Parish to put the Town of Savannah in a state of Defence, & to the Commissioners of the Out-Forts to provide for their Defence.

the said Commissioners appointed in and by an Act of this Present General Assembly Intituled an Act for raising and granting to his Majesty the Sum of One Thousand one hundred Pounds Sterling for putting the Town of Savannah and the Out-Forts in the several Parishes of this Province in a better State of Defence over & above the Sum requisite for defraying the expence of Imprinting the Certificates in the said Act directed and the several sums appropriated in this Act and the Treasurers Commission on Issuing the same Unto the Commissioners of the Parish of Saint Matthew in the Town of Ebenezer for the purposes aforesaid, a Sum not exceeding twenty five Pounds To the Commissioners of the Parish of Saint George for the purposes aforesaid, a Sum not exceeding twenty five Pounds, To the Commissioners of the Parish of Saint Paul for the purposes aforesaid a Sum not exceeding twenty five Pounds To the Commissioners of the Parish of Saint Andrew for the purposes herein before directed a Sum not exceeding twenty five Pounds To the Commissioners of the Parish of Saint Philip for the purposes aforesaid a Sum not exceeding twenty five Pounds To the Commissioners of the Parish of Saint John for the use of the Fort erected at Sunbury and for the use of the Fort erected at Medway in the said Parish a Sum to each not exceeding twenty five Pounds And Be it further Enacted that the several Persons hereafter named shall be and are hereby nominated & appointed Commissioners for executing and performing the several matters aforesaid agreeable to the Intent and meaning of this Act, that is to say for the Parish of Christ Church The Honourable

Comisioners named

Honourable Sir Patrick Houstoun Baronet, James Habersham, Noble Jones, Francis Harris, Jonathan Bryan, James Edward Powell, William Knox William Grover, William Clifton Esquires: The Honourable David Mountaigut Esquire, James Deveaux, Joseph Ottolenghe, Thomas Rasberry, William Francis, John Morel and Henry Yonge Esquires. For the Parish of Saint Matthew William Ewen, William DeBrahm, John Flerl and John Ludwig Meyer Esq^{r}. and M^{r}. John Casper Wertch For the Parish of Saint George Nathaniel Miller & David Emanuel Esquires M^{r}. John Kitt, M^{r}. John Kennedy, Gasper Griner, Andrew Griner, and Robert Bevill. For the Parish of Saint Paul Edward Barnard, John Rae, David Douglas, Lachlan M^{c}Gilivray, John Spencer, Francis M^{c}Cartin Esquires, and M^{r}. Joseph Wilson For the Parish of Saint Philip, The Honourable James Mackay Esquire, Joseph Butler, Elisha Butler, and William Butler Esquires, and M^{r}. James Maxwell. For the Parish of Saint John, John Elliott Esquire, M^{r}. Thomas Carter M^{r} John Winn, M^{r}. John Stewart, and M^{r}. Benjamin Baker. For Sunbury in the said Parish, Mark Carr, Grey Elliott, and Kenneth Bailey Esquires, M^{r}. Francis Arthur, and M^{r}. James Fisher. For the Parish of Saint Andrew, John M^{c}Intosh, B, John M^{c}Intosh M, and Daniel Clark Esquires, M^{r}. Roderick M^{c}Intosh, M^{r}. Lachlan M^{c}Intosh, and William M^{c}Intosh Provided nevertheless And it is hereby Enacted that His Excellency Henry Ellis Esquire shall and may from time to time give such Orders and Directions as he shall think proper to the several Commissioners hereinbefore appointed for the Parish

Comisioners for the Parish of Christ Church to be obedient to the Orders of his Excellency the Governor.

Parish of Christ Church, respecting the Town of Savannah and the Defence thereof, to which all and every the said Commissioners shall and are hereby required to pay Obedience And Be it further Enacted by the authority aforesaid, that the said Several and respective Commissioners shall and are hereby Directed and required immediately after the passing of this Act to assemble themselves and meet together at some Convenient place within their several Parishes, and then to view and inspect the State and Condition of the Forts and Fortifications therein respectively built and erected and to consult & consider of what operations, rebuildings and other Works shall be necessary to be done for the better Security and Defence of the several Inhabitants of such Parishes; and the said Commissioners respectively having come to a resolution, as to the several Works necessary and proper to be done, shall and they are hereby directed to Set about the same forthwith, and to see that the same be done and performed without Delay, agreeable to the Intention of this Act And Be it further Enacted that if any of the several Commissioners herein before respectively appointed shall neglect or refuse to perform his part or duty required in the execution of this Act, every such Commissioner shall forfeit and pay the Sum of Five Pounds upon due proof thereof before the Major part of the Commissioners of the Parish where such Commissioner shall make Default, who shall and may issue their Warrant for levying the same on the Goods and Chattels of the Delinquent to be applyed towards the repair of such Fortifications where the Offence is committed And Whereas

Imediately after the passing this Act the several Comissioners to meet within their Parishes to inspect the Condition of the Forts & Fortifications therein & to consult what reparations & other Works will be necessary for the better security of the several Inhabitants & to see the same performed without Delay.

Penalty on Commissioners neglecting or refusing to perform their Duty.

evil

evil disposed Persons have greatly defaced the Works round the Town of Savannah, by taking away & destroying the punchions and banks for remedy whereof and to prevent the like Mischiefs to the remaining Works, and those that may hereafter be made Be it further Enacted That upon due conviction of any White or other free Person removing or taking from the Intrenchments or any part of the Fortifications already made or that may hereafter be made, any of the Punchions Boards, Plank or Materials of any kind thereunto belonging or that doth in any wise, deface destroy any part of the said Works such Offender for every such Offence shall forfeit and pay a Sum not exceeding Five Pounds to be recovered by Warrant of Distress under the Hand and Seal of any Justice of the Peace of the said Town, to be applyed towards the repair of the said Fortifications And in Case such Offender hath not wherewithal to pay such fine, he or she shall be Committed to the Common Goal for a Term not exceeding Fourteen Days, And in Case any Slave doth offend in like manner upon due Conviction before any Magistrate of the said Town of Savannah the said Justice shall cause such Slave for the first Offence to be publickly Whipt on the bare back in three different places of the said Town not exceeding Sixty lashes, and for every such Offence repeated such slave shall be punished in like manner and the Owner of such Slave shall make good the Damage by immediately repairing, or causing the same to be repaired at his or her own expence, And in Case of refusal or neglect in so doing the said damage shall be levied by Warrant of Distress by any Justice

Penalty on Persons removing or taking from any part of the Fortifications of Savannah any materials thereunto belonging or in any wise defacing or destroying the Works.

Comissioners for the Parish of Christ Church to cause this Clause of this Act to be advertised in the most public place in Savannah.

Justice of the Peace of the said Town in manner hereinbefore directed, And to the intent that no Person may plead Ignorance, the Commissioners shall Cause this part of the Act to be advertised in the most public place in Savannah And Be it further Enacted that in Case by Death, absence or any other Accident, there shall not be a sufficient number of Commissioners in either of the said Parishes for carrying into Execution this Act That then the Major part of the Commissioners of the Parish where such Vacancy shall happen, shall with the Approbation of the Governor and Council nominate & appoint such other Commissioners in the room of those dying or being absent as shall be necessary for the furthering and perfecting the Business intended by this Act which Commissioners so appointed shall have the same power and authority and be subject to the like penalty in Case of Default as the Commissioners herein before appointed And Be it further Enacted that the said respective Commissioners shall when thereto required, give an Account to the General Assembly of this Province, of all and every their Acts & proceedings done and performed by Virtue of and in pursuance of this Act And Be it further Enacted by the authority afores[d] That the Powers and Authority's given to the said Commissioners for the Parish of Christ Church shall be and continue in force untill the Dutys by this Act required shall be fully performed, And that the Duty required from the Commissioners of the other Parishes respectively shall be done and

In case of Death absence or other accident there shall not be a sufficient number of Comissioners in either parish for carrying this Act into Execution the major part of the Comissioners where such Vacancy shall happen to appoint others wth. the approbation of the Governor & Council.

Comissioners to give an account of their proceedings to the General Assembly when required.

Continuance of the authority of the Comissioners for the Parish of Christ Church.

The Duty's required of the other Comissioners to be compleated in Six months.

and Compleated in Six Months from the passing of this Act.

By order of the Commons House of Assembly

DAV^{D}. MONTAIGUT Speaker.

By order of the Upper House of Assembly

JAMES HABERSHAM.

In the Council Chamber
the 24th day of April 1760

Assented to

HENRY ELLIS.

(State Archives.)

An act to enable feme-coverts to convey their estates, and for confirming and making valid all conveyances and acknowledgements heretofore made by feme-coverts.

1. WHEREAS, the usual method of conveying lands and tenements in England by feme-coverts, is by fine or recovery, which methods have not been practised in any of his majesty's American colonies. Preamble.

And whereas, instead thereof it has been customary in the conveyances of lands by husband and wife, to acknowledge her consent before a judge or justice

justice, being first privately examined by the said judge or justice, whether she acknowledged the same voluntarily and freely; *Be it therefore enacted*, That all alienations and conveyances whatsoever, which have at any time heretofore in this province been made, either by husband and wife, having jointly signed a deed of conveyance before witness, or by the acknowledgement of the wife of her consent to such a sale of lands and tenements, before any of the then justices or magistrates, shall in such cases be valid in law, and good and effectual against the husband and wife, their heirs and assigns, and against all other person or persons whatsoever claiming under the said husband and wife, or either of them, to all intents and purposes, as if the same had been done by fine or recovery, or by any other way or means in the law.

Conveyances, &c. of lands made by husband and wife or acknowledged by the wife made valid.

2. *And whereas* it is necessary to secure the property of future purchasers of lands and tenements, as well as to prevent husbands disposing, without the consent of the wife, what of right did or would belong to them: *And whereas* also the method practised in England in these cases would prove exceedingly troublesome and very expensive to the inhabitants of this province: *Be it therefore enacted*, That from and after the passing of this Act, all *conveyances of lands and tenements shall be made by deed of bargain and sale, or by deed of lease and release, or by deed of feoffment, enrolled or registered in the secretary's office of this province, signed and sealed by the party conveying, be-

How to be made and registered hereafter.

See Act of 1768, sect. 1,

fore

fore two or more witnesses, who shall likewise sign their names to the said deed; and where a feme-covert has or may have any right in part, or the whole of the lands and tenements to be conveyed, and the said feme-covert doth willingly consent to part with her right, by becoming a party with her husband in the sale of such lands and tenements, in such cases as these, the said feme-covert shall become a party with her husband in the said deed of conveyance, and sign and seal the same before the chief justice or assistant judges, or one of his majesty's justices of the peace for the parish where such contracts shall be made, declaring before the said judge or justice that she has joined with her husband in the alienation of the said lands and tenements of her own free will and consent, without any compulsion or force used by her said husband to oblige her so to do; which declaration shall be made in the following words, or words to the like effect, viz. "I, *A. B.* the wife of *C. D.* do declare, that I have freely, and without any compulsion, signed, sealed and delivered the above instrument of writing passed between *D. E.* and *C. D.* and I do hereby renounce all title or claim of dower that I might claim or be entitled to after the death of *C. D.* my said husband, to or out of the lands or tenements therein conveyed. In witness whereof I have hereunto set my hand and seal." And the said judge or justice shall, and is hereby required to endorse upon the deed the acknowledgement of the same feme-covert, made before him, and to sign the same, and shall receive two shillings and sixpence sterling fee, for his endorsing and signing the same, and no more.

How the wife shall join the husband in the conveyance.

Relinquishment of dower

Justice's fee.

3.

Such conveyances declared valid in law.

3. *And be it further enacted,* That all conveyances of lands and tenements, made and executed, and enrolled or registered according to the intent and meaning of this act, shall and are hereby declared valid in law, and good and effectual against the party conveying, or husband and wife, and their and every of their heirs and assigns, and against all other persons claiming by, from, or under them, or any of them, to all intents and purposes, as if the same has been done by fine or recovery, or by any other way or means, any laws, customs, or usages, to the contrary notwithstanding.

JAMES HABERSHAM

DAV^{D}. MONTAIGUT Speaker

HENRY ELLIS.

April 24, 1760.

(State Archives.)

AN ACT

Title

For raising and granting to his Majesty the Sum of one thousand, one Hundred pounds Sterling for putting the town of Savannah, and the out forts in the several parishes of this province in a better State of defence.

preamble

Whereas the Hostilities lately commenced by the Cherokee Indians against his Majestys Subjects of this

For the Better Defence of the Town of Savannah.

this and the neighbouring Colonies, attended with Circumstances of the most horrid barbarity do justly alarm the Inhabitants of this province and may cause many of them to desert the same by reason there is not any place of sufficient safety therein, in which they might secure their families and Effects, and to which they might retire in cases of the last extremity, in order therefore to quiet the Apprehensions of the people and to Encourage them resolutely to defend their possessions We pray your Sacred Majesty, that it may be Enacted, and Be it Enacted by his Excellency Henry Ellis Esquire Captain General and governor in chief in and over this His Majesty's province of Georgia, by and with the Advice & Consent of the Honourable Council and the Commons House of Assembly of the said province in general Assembly met, and by the Authority of the same That the Sum of one thousand one Hundred pounds sterling be granted to his Majesty to be raised and disposed as is herein after directed. And be it further Enacted that the said Sum of one thousand One Hundred pounds shall be raised by a general Tax upon all Negroes, and other Slaves Lands Tenements Monies at Interest and Stock in Trade within the province in the term & space of five years from and after the twenty fifth day of April next by five equal Assessments of two Hundred and twenty pounds each provided that no more than one Assessment shall be made in any one year And the Sums so assessed shall be collected and paid into the Hands of his Majestys Treasurer of this province by the several Collectors to be appointed for collecting and receiving the general Tax in

Enacted

that the Sum of £1100 sterg. be granted to his Majesty.

said Sum to be raised by a genl. Tax in 5 years from 25th April 1760 by five equal Assessments.

Not more than one Assessment to be made in a year & the money assessed to be paid to the Treasurer by the Collectors of the Tax.

in the said respective years, and shall be deemed & taken as part of the said Tax and added thereto, and shall be for the use and purposes herein after mentioned, and no other whatsoever. And forasmuch as the services intended to be provided for by this Act are immediately necessary Be it further Enacted that the Commissioners herein after appointed shall have power, and they are hereby authorized and required immediately after the passing of this Act, to stamp imprint and sign paper Certificates to the amount of the said Sum of one thousand one Hundred pounds Sterling which Certificates shall be of the tenor following, to wit, the Sum of two Hundred and twenty pounds Sterling shall be in paper Bills of one pound each and in these words "This Certificate of one pound Ster-"ling due from his Majesty's province of Georgia, "for the fortifications thereof, shall pass current and "be taken in all payments to the public Treasurer "until the 1st day of October in the year of our "Lord 1761 and no longer dated the day of " anno domini 1760" The further Sum of Two Hundred and twenty pounds Sterling shall be in Bills of one pound each, and in these words "This "Certificate of one pound sterling due from his Majestys province of Georgia for the fortifications "thereof shall pass current and be taken in all pay-"ments to the public Treasurer until the 1st day of "October in the year of our Lord 1762 and no longer dated the day of anno domini 1760" The further Sum of Two Hundred and twenty pounds sterling shall be in Bills of one pound each and in these words "This Certificate of one pound

Commissioners impowered to stamp imprint & sign paper Certificates to the amount of Sd. sum of £1100 Sterg.

Tenor of Certificates.

"pound Sterling due from his Majestys province of "Georgia for the fortifications thereof, shall pass "current and be taken in all payments to the pub- "lic Treasurer until the 1st day of October in the "year of our Lord 1763 and no longer dated the "day of anno domini 1760" The further Sum of two Hundred and twenty pounds Sterling shall be in Bills of one pound each, and in these words, "This Certificate of one pound sterling "due from his Majestys province of Georgia, for "the fortifications thereof shall pass current and be "taken in all payments to the public Treasurer un- "til the first day of October in the year of our Lord "1764 and no longer dated the day of anno domini 1760" And the further Sum of two Hundred and twenty pounds sterling shall be in Bills of one pound each and in these words— "This Cer- "tificate of one pound Sterling due from his Majes- "tys province of Georgia for the fortifications "thereof shall pass current and be taken in all pay- "ments to the public Treasurer, until the first day "of October in the year of our Lord 1765 and no "longer Dated the day of anno dom- "ini 1760" And be it further Enacted that the Honourable Noble Jones and William Knox Esquires James Deveaux John Graham and William *Mussell Esquires shall be and they are hereby nominated and appointed Commissioners for executing the several Matters in this Act contained according to the Intent and meaning thereof And be it further Enacted by the authority aforesaid that the said Commissioners shall pay unto the Hands of his Majestys Treasurer of this province the said Sum

Commissioners nominated & appointed.

(*or Russell)

Commissioners to pay sum of £1100 to the Treasurer deducting

expence of imprinting & Treasurer to issue & pay the same by order of Govr. & Council, on Certificate of Commissioners appointed by an Act of present genl assembly intitled an Act for repairing & rebuilding ye. Forts heretofore Erected in ye. several parishes of this province &ca.

Sum of one thousand one Hundred pounds in the said Certificates first deducting the Expence of imprinting the same. And the said Treasurer shall issue and pay the same by order of the Governor and Council of this province on the Certificate of the Commissioners appointed in and by an Act of this present general Assembly Intitled an Act for repairing and rebuilding the forts heretofore Erected in the several parishes of this province, and for the better securing the town of Savannah by erecting a fort round the Magazine and block Houses within the Lines of the said town and to or for no other purpose whatsoever. And be it further Enacted that the said Treasurer shall every year take & receive such and so many of the said Certificates in all payments to be made to him as shall be current by virtue of this Act, at the time of their being tendered to him and no other And the said Treasurer shall instantly mark and deface such of the said Certificates whose currency by the tenor thereof is to expire within that year and shall Affile the same taking credit in his Account of that year for the Sum of such Certificates so to be cancelled, and the said defaced Certificates shall be laid before the general Assembly at their then next Session in order to their being then destroyed provided always and Be it further Enacted that the said Treasurer shall and is hereby required upon any certificate being tendered to him in order to be exchanged, to take the said Certificate any time within Six months after the time appointed by this Act for the sinking of the said Certificate, and to give other money in exchange thereof, out of any public Money there shall be

Treasurer to receive yearly such Certificates in payment as shall be current by this Act at the time of being tendered & Treasurer instantly to mark & deface such Certificates whose currency is to expire in that year. & to affile take credit for the same & ye. defaced Certificates to be laid before Gen Assembly & to be destroyed.

Treasurer required to exchange any Certificate within Six months after the time appointed by this Act for Sinking the same.

be then in His Hands to the amount of the full Value for which such Certificate shall have been issued. And be it further Enacted that if any person and persons whatsoever shall forge or Counterfeit any of the said Certificates by this Act directed to be Stamped and imprinted or that shall utter such forged or Counterfeited Certificates knowing them to be forged or Counterfeited, or shall Counsel advise procure, or in any wise assist in the forging, counterfeiting stamping imprinting or signing of any such false Certificate or Certificates or that shall engrave any plate or make any other Instrument to be used in making any such false or counterfeited Certificates, that then every such Offender and Offenders being thereof lawfully convicted shall be adjudged guilty of felony, and shall Suffer death as a felon, without benefit of the clergy And be it further Enacted that in case any of the said Certificates shall be torn, or any part thereof wanting, that then the said Treasurer shall not receive such Certificate for any value whatsoever unless the Words "one pound Sterling," be remaining and the words containing the time until which such torn Certificate was to have been current, but in case the said Words "one pound Sterling" be remaining then the said Treasurer shall take the same for the full sum for which such Certificate or Certificates shall have been issued, and take Credit for it accordingly And be it further Enacted by the Authority aforesaid, That the said Commissioners shall lay their Accounts

persons forging or Counterfeiting or Concerned in forging or Counterfeiting any Certificates or uttering the same, being convicted to be adjudged guilty of Felony.

What torn Certificates the Treasurer may receive, and what not.

Commissioners to lay their accounts before the general Assembly when required.

Accounts before the general Assembly when thereunto required.

By order of the Common House of Assembly

DAV^{D}. MONTAIGUT Speaker.

By order of the Upper House of Assembly

JAMES HABERSHAM.

In the Council Chamber
the 24th day of April 1760

Assented to

HENRY ELLIS.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

Title *For the more Effectual putting in Force the Militia Act of this Province.*

Preamble Whereas it is of the highest Importance at this And all other times of imminent Danger that Guards should be kept in all the Towns throughout this Province as well as all other places where the respective Commanders shall see it necessary, And Whereas it is doubted whether the Militia of this Province are obliged to do Guard and Patrol duty except when part of each Company are actually

ly marched out of their proper and respective Districts and Divisions, We therefore Humbly pray your most Sacred Majesty that it may be enacted, And be it Enacted by his Excellency Henry Ellis Esquire Captain General and Governor in Chief of the Province of Georgia, by and with the advice and Consent of his Majesty's Honourable Council & Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That immediately from and after the Passing of this Act, and in all Times of Danger after an Alarm has been fired agreeable to the Directions of an Act of the first General Assembly of this Province intituled an Act for regulating the Militia of this Province and for the security and better Defence of the same, It shall and may be Lawfull for the Commanding Officer or Officers of any Company or Troop of Foot or Horse Militia and they are hereby required upon receiving Orders from the Governor or Commander in Chief or Commanding Officer of the Militia so to do to make out Lists of all the Militia men of their Several Companies as well alarm Men as others, and to Subdivide the same into Separate Guard or Patrol Lists, and shall cause the persons whose names are written in such Lists to be summoned in Rotation by the Serjeants of their respective Companies to appear compleatly armed and accoutred as by the aforesaid Act is required at the Times and places appointed by the Commanding Officers of the said Companies and there and then to do Guard or Patrol Duty and every such person so inlisted shall observe

Enacted

After Alarm fired Officers of Militia, upon receiving orders from the Governor, to make Lists of all the men in their Companies, and subdivide them into Guard or Patrol Lists & Persons whose names are contained in Sd. Lists, to do Guard and Patrol duty in Rotation.

observe Strict Orders and Discipline and shall follow all such lawfull Orders and Directions as the Officers of the Guard shall direct to be observed and performed and shall be liable for neglect or Refusal to the same Fines and Penalties directed by the before recited Militia Act and applyed as herein after directed And be it further Enacted by the authority aforesaid that the said Commanding Officers shall to every such Guard appoint an Officer or Serjeant to Command the same, And if any Officer whose turn it is to do duty shall refuse or neglect to repair to the place and at the Times appointed by the Commanding Officers and there to do the Duty required of him, every such Officer so refusing or neglecting as aforesaid shall forfeit and pay a Sum not Exceeding five pounds Sterling. And every Serjeant who shall refuse or neglect to summon the persons who are to do Duty shall for every person he shall so neglect to Summon forfeit and pay a Sum not Exceeding Ten Shillings, And every Person so Summoned in person or by Notice of the Serjeant, to be left at his place of Abode at farthest the Evening before the Guard Night, such Person is to be on duty, refusing or neglecting to appear at the Time and Place in manner as is before directed shall forfeit and pay a Sum not exceeding Ten Shillings, All which aforesaid Fines and Forfeitures shall be recovered in manner directed by the before recited Militia Act And shall be applied towards defraying the Expences of providing Fire, Candles, and a Drum for such Guard, the Overplus, if any there be, to be equally divided between the Serjeants of the respective Company or

Commanding Officers to appoint an Officer or Serjeant to command every Guard.

Penalty on Officer of Guard neglecting Duty.

Penalty on Serjeant neglecting duty.

Penalty on other persons neglecting or refusing to do duty.

Fines & Forfeitures how to be recovered and applyed.

Fines & Forfeitures inflicted by Militia Act & directed to be levied by distress & sale of the Goods & Chattles of the Offender to be levied on his lands & Tenements in case of no Goods & Chattles & in case the Offender shall have withdrawn himself out of this Province.

or Companies for their Trouble of Summoning the Guards. And be it further enacted that all Fines and Forfeitures inflicted by the said afore recited Act in Cases of alarm or Danger which were by the said Act directed to be levied by Warrant of Distress and Sale of the Goods and Chattles of the Offender, or in Case no Goods and Chattles were to be found by Committment of the Body of the Offender, to the Common Goal in Case such Offender or Defaulter shall have no Goods or Chattles within this Province whereon the said Fines may be levied and the Offender or Defaulter shall have withdrawn himself or removed out of the Limits of this Province it shall and may be lawful to Seize the Lands and Tenements of such Defaulter or Offender and to Sell the same or such part thereof as shall amount to the Value of the said Fine, giving twenty Days notice of such Sale, the Overplus, if any, to be paid into the Hands of his Majesty's Treasurer and to be by him paid to the Defaulter or Offender in Case he shall Claim the same within three years, otherwise to be applied for keeping the Fortifications of this Province in Repair.

By order of the Commons House of Assembly
DAV^{D}. MONTAIGUT Speaker

By Order of the Upper House of Assembly
JAMES HABERSHAM

In the Council Chamber
the 24th day of April 1760.

Assented to,
HENRY ELLIS

From

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

Title *to prevent frauds in the making of Lumber.*

preamble Whereas it is greatly for the Interest of this province, that all Lumber exported therefrom should be honestly and faithfully made We therefore pray your sacred Majesty, that it may be Enacted. And be it Enacted by his Excellency Henry Ellis Esquire Captain General and Governor in chief of the province of Georgia, by and with the advice and Consent of the Honourable Council, and Commons House of Assembly of the said province, in general Assembly met, and by the Authority of the same, That from and after the first day of September, one thousand Seven Hundred and Sixty. All Lumber, that is to say, all Staves, Heading and Shingles which shall be shipped or put on board any ship or Vessell by any Merchant Master of a Vessell or other person intending to export the same shall be of the following dimentions otherwise shall not be deemed merchantable and shall be delivered to the Church Wardens of the parish where the offence shall be committed to be by them disposed of for the use of the poor of the said parish. Hogshead Staves shall be at least three feet six Inches long, three Inches and an half broad, and three quarters of an Inch thick at the Heart or thinnest Edge, and clear of Sap; Barrel Staves shall be at least two feet Six Inches long, three Inches and an half broad, and three quarters of an Inch thick at the

Enacted

That from and after the 1st September 1760 all Lumber intended for exportation shall be of the following dimentions otherwise forfeited (viz) Hogshead staves three feet Six Inches long &c and barrel Staves two feet Six Inches long &c heading thirty Inches long &ca.

the Heart or thinnest Edge, and clear of Sap; White oak Hogshead Heading shall be at least thirty Inches long, Six Inches broad, and one Inch thick, and clear of Sap; Shingles shall be at least twenty two Inches long, five Eighths' of an Inch thick at the thickest End and well drawn and at least four Inches broad at both ends and the Edges squared. And Be it further Enacted that all boards, plank or Scantling or other squared Timber that shall be made of swamp or loblolly pine and Shipped or offered to Sale as aforesaid, shall be deemed unmerchantable. And be it further Enacted by the Authority aforesaid that all squared timber shall be denominated and Measured in the following manner, that is to say Every piece of squared timber, whose two sides being added together does not exceed twelve Inches and whose thinnest side shall be at least three inches thick shall be deemed Scantling And every piece of squared timber whose two sides being added together does not amount to twenty four Inches and exceeds twelve, shall be deemed ranging Timber; And the Contents of every piece of Scantling or ranging Timber shall be computed in Superficial measure, that is to Say, every twelve Inches in length of any piece of squared timber whose two sides added together make twelve Inches shall be deemed one foot of lumber. And be it further Enacted by the authority aforesaid that in case any Merchant Master of Ship or other person shall Suspect that any Staves, shingles boards plank or Scantling or other squared timber which shall be shipped, or put on board any ship or Vessel as aforesaid is unmerchantable, or in case of any dispute

Shingles twenty two Inches long &ca.

That squared timber made of Loblolly pine shall be unmerchantable

That all squared timber whose two sides added together does not exceed twelve Inches and whose thinnest side is three Inches thick shall be Scantling.

And squared timber whose two sides added together exceeds twelve Inches and under twenty four Inches shall be ranging timber.

The measurement of Timber to be in superficial measure.

In case of disputes between Merchants Masters of Vessells &ca. relative to unmerchantable timber &ca. a Justice of the peace

for the parish where the lumber shall be is impowered to appoint two freeholders to inspect the same, whose determination shall be conclusive.

pute between any maker or owner of Lumber and any Merchant Master of Ship or other person purchasing the same for exportation, it shall and may be unlawfull for such person whether Owner or purchaser to make application to any Justice of the peace for the parish where such Lumber shall be and the said Justice shall and is hereby required to appoint two indifferent freeholders to view and inspect the same. And the determination of the said two freeholders upon their Oaths shall be conclusive to all parties And the party against whom the said freeholders shall give Judgment shall pay unto the said freeholders such reasonable Charges, as the said Justice shall direct. And be it further Enacted that if any person or persons shall be Sued or prosecuted for any matter or thing done in execution of this act such person or persons may plead the general issue and give this act and the special Matter in Evidence And Be it further Enacted, that this Act shall continue and be in force from the commencement thereof for and during the term of two years and from thence to the End of the then next session of the general Assembly and no longer.

the party against whom Judgment is given shall pay the freeholders reasonable Charges to be settled by the said Justice.

That any person prosecuted for any matter &ca may plead the general issue and give this Act in Evidence.

Continuance of the Act.

By order of the Upper House of Assembly,

JAMES HABERSHAM

By order of the Commons House of Assembly

DAV^{D}. MONTAIGUT Speaker

In the Council Chamber
the first day of May 1760.

Assented to

HENRY ELLIS

From

For Erecting Fort and Block Houses.

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

To amend an Act entitled an Act for repairing and rebuilding the forts heretofore Erected in the several parishes of this province, and for the better securing the town of Savannah by erecting a Fort round the Magazine and block Houses within the Lines of the said town.

Whereas by the present Alarming accounts from the Creek Nations of Indians and the danger from thence threatened to this Colony it is become absolutely necessary to give further power to the Commissioners of fortifications for the town of Savannah for the more speedy and effectual securing the said town from the attempts of the Enemy. And be it Enacted by his Excellency Henry Ellis Esquire Captain General and Governor in chief in and over this His Majestys province of Georgia, by and with the Advice & Consent of the Honourable Council and Commons House of Assembly of the said province, in general Assembly met, and by the Authority of the same, that the Commissioners for fortifications for the town of Savannah and parish of Christ Church, appointed in and by an Act Intitled an Act for repairing and rebuilding the forts heretofore Erected in the several parishes of this province and for the better securing the town of Savannah by erecting a fort round the Magazine and block Houses within the lines of the said town shall have power, and they are hereby impowered and authorized

authorized to Summon and imploy when the said Commissioners or any five of them shall think itt necessary the Male Slaves of the town of Savannah & parish of Christ Church from the age of Sixteen years to Sixty, for such term as may be necessary for the service of repairing the ditches & lines of the fortifications, round the town of Savannah so that the same does not exceed Six days in the whole. And such Labour so imployed shall be deemed and taken for so much Work on the public Roads of the said parish of Christ Church and the Owner and Owners of such Slaves so working shall be discharged from so much Road Labour for the present year. And if any person shall refuse to attend with their male Slaves and perform the duty hereby injoined, such person so neglecting or refusing shall be liable to the same penalties as are directed by an Act of the general Assembly Intitled an Act to impower the several Surveyors therein after named to lay out public Roads in the province of Georgia, to be recovered by the Commissioners of Fortifications, or any five of them for the said town of Savannah, and by them to be applyed towards the repairs of the Fortifications of the said town.

By order of the Commons House of Assembly

DAV^{D}. MONTAIGUT Speaker

By Order of the Upper House of Assembly

PAT. HOUSTOUN president.

In the Council Chamber
the fourth day of June 1760.

Assented to

HENRY ELLIS

State

For Issuing Paper Bills of Credit.

(State Archives.)

AN ACT for stamping Imprinting Issuing and making current the Sum of Seven Thousand and four hundred and Ten Pounds Sterling in Paper Bills of Credit, and for Applying and sinking the same.

WHEREAS by an Act passed the seventeenth Day of February One Thousand and Seven Hundred and fifty five, in the first General Assembly of this Province, Intituled an Act for stamping, imprinting, emitting and making Current the sum of Seven Thousand Pounds Sterling in Paper Bills of Credit to be let out at Interest on good Securities at Six Per Centum Per Annum and for applying the said Interest IT IS ENACTED That the Sum of seven Thousand Pounds Sterling should be immediately Stamped and imprinted in Paper Bills of Credit and signed by the Commissioners therein Appointed in manner as by the said Act is directed and that the sum of Three Thousand Pounds part of the said Sum of Seven Thousand Pounds should immediately after the Royal Approbation and Allowance of the said Act be Issued and lent out upon Interest at the rate of Six Pounds Per Centum Per Annum and the Remaining four Thousand Pounds to be Issued by the Direction of a future Act or Acts of the General Assembly AND WHEREAS the remote situation of this Province the Nature of its Produce and the several wholesome Statutes made for restraining the Exportation thereof to these foreign Countries from whence Gold & Silver might be

be brought in return and made it impossible to import or retain a Sufficient quantity of Specie to Answer the Ordinary Occasions for a transfer or Currency, and therefore the said Sum of Three Thousand Pounds was immediately after the passing the said Act Issued and lent out by the said Commissioners in manner as in and by the said Act was directed AND WHEREAS the Necessary Expences of passing Laws, setling the Courts of Justice and carrying the other Gracious purposes of his Majesty's Instructions to his Governor into Execution did at that time amount to a greater Sum than could be raised by any Tax which would not only have been Extreemly burthensome to the then small Number of Inhabitants but might likewise have discouraged other Setlers from coming in from other Provinces and therefore an Arrear of Six hundred thirty eight pounds seven shillings and one penny farthing did accrue and remained unprovided for until the second Session of the present General Assembly when notwithstanding the heavy Tax then imposed the sum by it intended to be raised was found necessary for the then Current Service AND therefore the Commissioners of the General Loan were by an Act of the said Session impowered to Issue the further Sum of Six hundred thirty eight Pounds seven shillings one penny farthing to be Applyed in Discharge of the said Debt and Arrear the same to be sunk in manner as directed by the said Act AND WHEREAS by an Act passed in the last Session of this present General Assembly the further sum of Seven hundred Ninety nine Pounds eight shillings and eleven pence was directed

to

to be Issued for the purposes expressed in the said Act the same to be Sunk in manner as directed by three several Acts of the said Session Intituled as follows, Viz^{t}. AN ACT for erecting a Powder Magazine in the Town of Savannah; AN ACT for repairing the Light House on Tybee Island, and AN ACT for repairing the Church in Savannah ALL which several sums so Issued Appear to have funds assigned for the sinking thereof ample and sufficient for that Purpose within the time limitted for the continuance of the first recited Act, and that therefore no Damage or loss can be sustained by any Person Issuing or holding any of said Paper Bills AND WHEREAS it appears that the Trade of the Province has greatly increased since the Issuing of the said paper Bills amounting in the whole to the sum of four thousand four hundred pounds and upwards, in so much that the said Sum is found at this time insufficient to supply the Ordinary Occasion for a Transfer or Currency AND WHEREAS nothing can more tend to promote the true Worship of God and the propogating of Morality and Virtue amongst the Inhabitants of this Province than the Regular and due Performance of Divine Service within the several Parishes thereof by Ministers of the Church of England duly appointed thereto AND WHEREAS the Inability of the Inhabitants of the Several Parishes of this Province not permitting them to make a sufficient provision for the support of Ministers so as to intitle them to make Application for such to the great Discomfort of the Religious and well disposed and to the great Encouragement of the

the Vicious and profane; for all which Causes and Considerations and for promoting so good and pious purposes WE pray your Sacred Majesty that it may be Enacted AND BE IT ENACTED by his Excellency Henry Ellis Esquire Captain General and Governor in Chief in and over this his Majesty's Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That from and after the Seventeenth Day of February which shall be in the Year of Our Lord One Thousand seven hundred and Sixty two it shall and may be lawful for the Commissioners hereinafter named and Appointed and the said Commissioners are hereby required to stamp, imprint, sign and Issue in manner as hereinafter is directed in paper—Bills of Credit of the like Denomination and of the like Tenor and Devices with those imprinted and Issued by Virtue of An Act of the first General Assembly of this Province Intituled an Act for stamping imprinting emitting and making Current the sum of Seven Thousand Pounds Sterling in Paper Bills of Credit to be let out at Interest on good Securities at Six Pounds Per Centum Per Annum and for Applying the said Interest, or such other Devices as the said Commissioners shall in their discretion think fit, the Sum of Seven Thousand four hundred and Ten Pounds Sterling and no more AND BE IT FURTHER ENACTED that the paper Bills issued by the Commissioners appointed in and by the afore-recited Act amounting in the whole to the sum of Four Thousand

sand four hundred pounds and which by the said Act and other subsequent Acts are directed to be called in and paid by the said Commissioners on or before the seventeenth day of February One Thousand seven hundred and Sixty two shall be by them delivered over to the Commissioners hereinafter appointed who are hereby required to re-issue and lend out the same in manner as hereinafter is directed and the sum so issued and lent out shall be deemed and taken as part of the said Sum of Seven Thousand four hundred and Ten Pounds by this Act directed to be issued, and the Remainder only to be imprinted, stamped and issued so as, and it is the true intent and meaning of this Act that no more than the said Sum of seven Thousand four hundred and Ten Pounds in the whole shall be issued AND BE IT FURTHER ENACTED That Francis Harris, Clement Martin, Edmund Tannatt, Henry Yonge and James Edward Powell Esquires shall be and they are hereby nominated and Appointed Commissioners for imprinting, stamping and signing and issuing the Bills of Credit by this Act directed to be imprinted, stamped, signed and issued and are hereby invested with Authority to have and execute all and Singular the Trusts and powers in this Act directed given granted or Appointed and in case of the Death or Refusal to Act or removal from this Province of any of the said Commissioners other Person or Persons shall be appointed by the General Assembly or during the Prorogation or in Case of a Dissolution of the Assembly by the Governor and Council in the room of those Dying, or refusing to Act, or removing from this Province who shall

shall have all and every the same Trusts and Powers and be under the same Obligations as the Commissioners named in and by this Act PROVIDED nevertheless that the said Commissioners appointed or to be appointed by Virtue of this Act shall be subject to be removed and displaced by the General Assembly and not otherwise And that the said Commissioners hereby appointed or to be appointed by Virtue of this Act shall render a just and true Account of all their Proceedings in regard to their Performance of the Trust hereby reposed in them to the General Assembly once every Year And for the better performance of the said Trust the Commissioners shall before they enter on the Execution of their said Office give Bond each Respectively to his Majesty in the sum of Three hundred Pounds for their performance of their respective duty according to this Act and shall take the following Oath before one of his Majesty's Justices of the Peace of this Province for the time being, to Wit, I,, A,, B,, do solemnly and sincerely swear that I will According to the best of my Skill and Knowledge faithfully, impartially and truely discharge the trust committed to me in and by the Act of the General Assembly Intituled an Act for stamping imprinting issuing and making Current the Sum of Seven Thousand four hundred and Ten Pounds Sterling in paper Bills of Credit and for Applying and sinking the same so help me God. And the Commissioners shall take care that the Printer of the Bills do give security that the whole Number imprinted is delivered to them and the press and plates shall remain with the said Commissioners AND BE

It

For Issuing Paper Bills of Credit.

IT FURTHER ENACTED by the Authority aforesaid that the Bills when so stamped, imprinted and signed by the Commissioners as is hereby appointed shall be taken and received in all payments whatsoever in discharge of all and all manner of Debts or Sums of Money whatsoever due or hereafter to be due owing or payable in this Province to any Person or Persons whatsoever and the same shall be and they are hereby declared and ENACTED to be to all intents constructions and purposes whatsoever the lawful and Current Money of this Province of Georgia and shall be held and deemed a good and Sufficient tender in Law to all intents and purposes for discharging any Debt or Sum of Money or Demand whatsoever now due or hereafter to become due or payable in this Province except Debts contracted with and owing to any Inhabitant or Resident in the Kingdoms of Great Britain or Ireland or contracted with and owing to Persons actually residing in one of the said Kingdoms at the time such Debt was contracted, any Law Statute Usage or Custom to the contrary in any wise notwithstanding AND BE IT FURTHER ENACTED by the Authority aforesaid that for the better and more speedy distribution and circulation of the said Bills the Commissioners after paying and deducting the Expences of stamping imprinting and signing the Bills of Credit are hereby impowered and required to lend out upon Interest at Six Pounds Per Centum Per Annum the Sum of Six Thousand five hundred pounds Sterling so stamped signed and imprinted as aforesaid

for

for the Term of seven Years and no longer And the said Commissioners and their Successors shall at the end and expiration of the said Seven Years call in the Moneys so lent out and shall re-issue and lend the same for the like Term and on the like Security in manner as is directed by this Act And the same method shall be Observed by the said Commissioners and their Successors at the Expiration of every such Term during the Continuance of this Act, AND the said Commissioners shall not lend to any one Person a Sum exceeding Eighty Pounds Sterling nor less than Ten Pounds Sterling for which Security shall be taken as hereinafter mentioned and the Interest thereof at the rate aforesaid shall be Annually paid into the Hands of the said Commissioners and by them be applyed in the manner following, that is to say, the Yearly Sum of Two hundred and Ten Pounds shall remain in the Hands of the Commissioners of the General Loan and shall be paid by them to his Majesty's Treasurer of this Province for the time being for the Maintenance and convenient support of Ministers in the several Parishes of the same and in manner as hereinafter is directed by this Act, that is to say, for the Parish of Christ Church the Yearly Sum of Fifty Pounds; for the Parish of Saint Matthew the Yearly Sum of Twenty-five Pounds; for the Parish of Saint George the Yearly Sum of Twenty five Pounds; for the Parish of Saint Paul the Yearly Sum of Twenty five Pounds; for the Parish of Saint Philip the Yearly Sum of Twenty five Pounds; for the Parish of Saint John the Yearly

J. H.

D. M.

Sum

Sum of Twenty five Pounds; for the Parish of Saint Andrew the Yearly Sum of Twenty five Pounds; and the sum of Ten Pounds to the Treasurer for his Commission in issuing the said Sum of two hundred Pounds the several Sums so appropriated to be issued by Order of the Governor and Council on the application of the Minister or where there is no Minister on the application of the Church Wardens and Vestry of the respective Parishes AND BE IT FURTHER ENACTED that five hundred pounds part of the remaining J. H.
Sum hereby directed to be imprinted and Issued
shall be by the said Commissioners issued and paid D. M.
into the hands of his Majesty's Treasurer for this Province to be by him Applyed for the repairing and rebuilding the Parish Church in the Town of Savannah and parish of Christ Church to be issued by order of the Governor and Council on the Cer- J. H.
tificate of the Commissioners appointed on and by AN ACT of this present General Assembly for the D. M.
repairing of the said Church the same to be accounted for to the General Assembly of this province AND BE IT FURTHER ENACTED that in Case any of the several parishes herein before mentioned shall continue for one or more Years without a Minister it shall and may be lawful for the Church Warden and Vestry of such Parish to lay out and expend the Annual Sum hereinbefore granted unto them or such part thereof as shall be so saved in the repairing building or erecting a Parish Church and Parsonage-House to be for the Use and Convenience of a Minister when appointed

to

to the Cure of such Parish AND BE IT FURTHER ENACTED that the remaining Sum of Four hundred and ten pounds hereby directed to be stamped imprinted and issued shall be applyed by the Commissioners herein appointed in manner following (that is to say) the sum of twenty pounds Sterling to each of the five Commissioners of the present General Loan the Sum of One hundred and ten pounds to the said Commissioners for making good any Deficiencies that may accrue in the calling in and sinking the several sums by them issued in pursuance of the afore recited several Acts from the Funds appropriated to the sinking thereof not producing the whole Sums for which they were granted before the Commencement of this Act And the Sum of two hundred Pounds shall be applyed or such part of it as may be found necessary for defraying the Expence of stamping imprinting and issuing the paper Bills of Credit directed by this Act And if any Surplus shall remain or at any time hereafter accrue in the Hands of the said Commissioners herein appointed or their Successors the same shall be applyed by the Direction of the General Assembly and not otherwise AND BE IT FURTHER ENACTED that the remaining Sum of One hundred and eighty pounds part of the Interest Yearly accruing as aforesaid and paid into the Hands of the said Commissioners and their Successors shall be by them annually applyed in manner following (that is to say) the Sum of Fifty Pounds Sterling to be equally divided among the Commissioners for the Time being for their Trou-

ble

ble and Service in carrying this Act into Execution And the remaining Sum of One hundred and thirty Pounds Sterling to the calling in and sinking so many of the said Bills as shall Amount to the Sum of Nine hundred and Ten pounds herein before directed to be issued for the several purposes expressed in this Act and to no other purpose whatsoever AND BE IT FURTHER ENACTED by the Authority aforesaid that when and so often as any Person or Persons his her or their Heirs Executors Administrators or Assigns who shall borrow any of the said Bills of Credit shall refuse or Neglect to pay the Annual Interest due or to grow due on the Principal Sum by him her or them borrowed as aforesaid by the space of Sixty days next after the end of every Year when the same shall respectively become due in such manner and form and According to the purport tenor and true intent and meaning of the respective Bonds and Mortgages (entered into by the Mortgagor at the Time of borrowing the said Bills of Credit) and this Act of Assembly that in every such Case and upon every such refusal neglect or Default made in the Premisses it shall and may be lawful to and for the Commissioners for the Time being and they are hereby required to enter into and upon the said Mortgaged Premisses and all manner of Person and Persons whatsoever thereout to expel and amove and after Notice thereof in Writing given to such Person or Persons who shall refuse or neglect as aforesaid or otherwise left at his or their last place of abode and also published by Advertisement at Savannah and in

the

the Parish where he She or they do reside for the space of Thirty Days from the date of such Notice that unless the Arrears of Interest due on such Mortgaged Premisses be paid within the said Thirty Days that the said Premisses will be sold at Public Outcry for the most Money that can be got for the same, it shall and may be lawful for the said Commissioners and their Successors for the Time being to sell Alien and dispose of the said Mortgaged premisses to any Person or Persons his and their Heirs and Assigns, which Sale Alienation and disposition shall be made by the said Commissioners by Indorsement on the respective Mortgages under their Hands and Seals which shall be sufficient in Law to all intents and Purposes to convey the Premisses so Alienated and sold to the Person and Persons buying the same his and their Heirs and Assigns, and they shall and may hold and enjoy the same against the Mortgagor his Heirs and Assigns and all other Person and Persons whatsoever clearly discharged and freed from all equity and redemption whatsoever any Law Usage or Custom to the Contrary in any wise notwithstanding AND BE IT FURTHER ENACTED by the Authority aforesaid that in Case the Money arising by such Sale of the said Mortgaged premisses shall be more than sufficient to pay off and discharge the said Interest so in Arrear and the Principal Money on which the same became due and the reasonable Cost and Charges of the said Commissioners on such Sale that then and in every such Case the said Commissioners shall return the overplus (after deducting

ing the said Principal Interest and Cost) unto such Mortgagor or Mortgagors his or their Heirs and Assigns AND for the better supporting and maintaining the Credit of the said Bills and carrying into Execution this Act and the several clauses therein BE IT FURTHER ENACTED by the Authority aforesaid that the said Commissioners and their Successors Commissioners for the time being shall have Power and Authority And they are hereby impowered Authorized and required in their own Names as Commissioners of the General Loan Office of the Province of Georgia to take Security for the several Sums respectively they shall lend out upon Interest by Virtue of this Act and as such Commissioners shall be capable in Law to receive take hold enjoy and retain to them and their Successors Commissioners as aforesaid all such Lands, Tenements Hereditaments and Slaves as shall be granted them in Mortgage for securing the payment of such Sums of Money as they shall from time to time lend and issue in the said Bills of Credit and also to sell grant Alien and dispose of the same in default of payment as in and by this Act is provided and directed AND BE IT FURTHER ENACTED that the said Commissioners and their Successors Commissioners for the time being before they accept or take for Securities any Houses lands Tenements Hereditaments or Slaves on Mortgage for any Sum or Sums shall inform themselves of the Value of such Houses lands Tenements Hereditaments and Slaves and also of the Borrowers title thereto and the said Commissioners

ers for the time being shall then take Security by Mortgage thereof of at least double the Value of the sum lent out PROVIDED always that the Security of Slaves shall not be taken for more than One third part of the Money lent, which Mortgage when duly executed in the presence of two Credible Witnesses and Attested by one of his Majesty's Justices of the Peace shall be recorded in the Secretarys Office of this Province AND BE IT FURTHER ENACTED that if after any Messuages, Lands, Tenements Hereditaments or Slaves whatsoever are Mortgaged as aforesaid to the said Commissioners According to the Direction of this Act it shall appear that the Party Mortgaging had no good right or title to the Premises Mortgaged or if the said Commissioners shall Apprehend there is any Danger of losing the Moneys or any part thereof advanced on Loan upon the Credit of such Messuages lands Tenements Hereditaments or Slaves it shall and may be lawful to and for the Commissioners for the Time being to enter up Judgment on the Bond and Warrant of Attorney which they are required always to take from the Mortgagor at the time of giving his Mortgage as a further or Collateral Security for the Sum lent and to take out Execution either against his Person or Goods as they shall think best for recovering the Money due on such Bond and Mortgage AND BE IT FURTHER ENACTED by the Authority aforesaid that if any Person or Persons who shall take up upon Loan any of the said Bills of Credit shall at any time after the end of one Year next after the

taking

taking the same pay to the Commissioners the sum so taken in the said Bills of Credit and the Interest that shall be then due on the same Then and in such Case every such Person shall be released and discharged by Indorsement in Writing to be made by the Commissioners for the time being on the said Mortgage under their Hands and Seals and the Messuages, Lands, Tenements, Hereditaments or Slaves contained in such Mortgage and the Person of the Mortgagor his Heirs Executors and Administrators and his and their Goods and Chattels shall stand for ever discharged against the said Commissioners and every of them any thing in the said Mortgages, Bonds or Warrants of Attorney or either of them to the Contrary in any wise notwithstanding AND BE IT FURTHER ENACTED by the Authority aforesaid that to prevent as much as may be the Charge and expence to the Borrowers of the said Bills of Credit to be lent out by Virtue of this Act the said Deeds of Mortgage shall be drawn and made in a short concise and Substantial form and when the same are executed and Acknowledged or proved as by this Act is directed shall transfer the Houses, Lands, Tenements, Hereditaments or Slaves thereby granted to the said Commissioners and vest the Inheritance thereof in them and their Successors Commissioners for the time being as fully and effectually as any deeds of ffeofment with Livery and Seisn or deeds inrolled in any of his Majesty's Courts at Westminster may or can do, Subject nevertheless to be vacated according to the Proviso's

viso's or agreements therein expressed, in all which Deeds of Mortgage the Words Grant Bargain and Sell shall amount to and be construed and adjudged in all Courts of Judicature in this Province to be express Covenants to the said Commissioners their Successors Commissioners for the time being and Assigns from the Bargainor or Mortgagor for himself his Heirs Executors or Administrators that the Mortgagor was at the time of the Execution of such deeds seized of the Hereditaments and Premisses thereby granted of an Indefeasable Estate of Inheritance free from all incumbrances whatsoever Quit-rents only excepted, and for the said Commissioners their Successors and Assigns quiet enjoyment thereof against all Persons whatsoever And also for the further Assurances to be made of such Premisses by the said Mortgagor and his Heirs as the Commissioners for the time being shall require as fully and effectually to all intents and Constructions whatsoever as if those Covenants were at large expressed and contained in such deed and Mortgage AND the said Commissioners and their Successors Commissioners for the time being shall and may in any Action to be brought by them Assign Breaches thereupon in the same manner as if such Covenants were expressly and at large inserted in such deeds, Any Law Usage or Custom to the contrary in any wise Notwithstanding AND for the better carrying on the purposes intended by this Act and the due Execution thereof BE IT FURTHER ENACTED by the Authority aforesaid that the Commissioners shall keep an Office in the Town

Town where the Seat of Government shall be for the transacting the affairs and Business required to be done and performed in and by this Act at which Office the Commissioners or any three of them shall attend every Tuesday and Wednesday in every other Week during the Term of one Year after the Confirmation of this Law and after the expiration of the said Year the Attendance of the said Commissioners at the said Office shall be at such Convenient times as they shall appoint for the Execution of the trust reposed in them by this Act and the said Commissioners are hereby Intituled to receive the sum of ten Shillings and six pence Sterling as a fee for the Execution of the Bond Mortgage and Warrant of Attorney which they the said Commissioners are hereby Obliged to prepare at their own proper Costs and Charge and also a fee of three Shillings for their discharge indorsed on the Mortgage, and also shall be Intituled to receive for affixing their devices Stamping Imprinting and Signing the Bills of Credit the sum before provided by this Act AND BE IT FURTHER ENACTED by the Authority aforesaid that if any Person or Persons whatsoever shall forge or counterfeit any of the said Bills of Credit by this Act directed to be stamped Imprinted signed and issued or that shall exchange with the said Commissioners any such forged or Counterfeit Bills, or that shall utter such forged or Counterfeit Bills knowing the Bill or Bills so exchanged or uttered to be forged or Counterfeit or shall council advise procure or any wise assist in the forging counterfeiting

ing stamping imprinting or issuing any such false Bill or Bills or that shall engrave any plate or make and Instrument to be used in making such false or counterfeit Bill or Bills that then every such Person and Persons so offending and being thereof lawfully convicted shall be adjudged to be Guilty of Felony and shall suffer the Pain of Death as a Felon without the benefit of Clergy And because many of the said Bills may be torn Obliterated or otherwise defaced by accident or through the length of Time they have continued in Circulation and their Currency be thereby destroyed to the great Injury of the holders of such Bills BE IT FURTHER ENACTED that the said Commissioners and their Successors shall and they are hereby impowered at any Time hereafter to stamp, imprint and sign such and so many Bills of Credit of the same Tenor and with the like Devices as those they are by this Act impowered and required to imprint sign and issue as shall amount to the Value of such torn and Defaced Bills as shall be tendered to them and to issue the said Bills so imprinted and signed in Exchange and in Lieu of the said torn and defaced Bills And for no other purpose whatsoever PROVIDED that no greater sum than two hundred Pounds shall be imprinted for this Purpose in any one Year. AND the said Commissioners shall burn and destroy the said torn Obliterated and defaced Bills when so Exchanged PROVIDED always that the said Commissioners shall not exchange any Bill whereof the Device and Sum and more than two of the Commissioners names shall be

be wanting, but in case the Device and sum and three Commissioners names be remaining then the full sum and Value for which such Bill was Issued shall be by them given in Exchange for such Bill, And the said torn Obliterated and defaced Bills shall by the said Commissioners laid before a Committee of the General Assembly when appointed for that purpose and be by them burned and destroyed AND BE IT FURTHER ENACTED by the Authority aforesaid that if any Action or Suit whatsoever shall at any time hereafter be sued or prosecuted against any of the said Commissioners Trustees or any other Person or Persons whatsoever for any matter or thing whatsoever which they or any or either of them shall do or cause to be done by Virtue or in pursuance of the directions of this Act or that shall have been done by the Commissioners appointed in and by the afore-recited Act in pursuance of the said and subsequent Acts that in all and every such Actions and Suits it shall and may be lawful for the Defendant and Defendants to plead the General issue and give this Act and the special matter in evidence and in Case the Plaintiff or Plaintiffs in such Action or Suit shall discontinue become Non-suit or a Verdict shall pass against him or them it shall and may be lawful to and for the Court in which such Action or Actions shall be sued prosecuted or Commenced to Tax and allow to every such Defendant and Defendants his and their double Costs of suit for which the said Defendant and Defendants shall have like remedy as is given by Law to other Defendants

And

AND BE IT FURTHER ENACTED by the Authority aforesaid that from and after his Majesty's Royal Approbation and Allowance of this Act shall be signified to his Majesty's Governor or Commander in Chief of this Province if any Commissioner or other Person or Persons whatsoever shall presume to issue any Paper Bills of Credit by Virtue of or in Pursuance of any Act or Acts of the present or any future General Assembly of this Province in which Act or Acts there shall be a Clause inserted suspending the Execution thereof untill his Majesty's Royal Approbation thereof shall be signified to his Majesty's Governor or Commander in Chief of this Province for the Time being or shall do any matter or thing in pursuance of such Act or Acts before such allowance and Approbation is obtained That then and in every such Case every Person and Persons shall forfeit and pay the sum of One hundred Pounds Sterling the same to be sued for in the General Court of this Province by Action of Debt, Bill, Plaint or Information and shall be for the Use of his Majesty to be Applyed for keeping the Fortifications of this Province in Repair AND BE IT FURTHER ENACTED that neither this Act nor any thing herein before contained shall be of any Force Power or Efficacy but the same is wholly suspended until his sacred Majesty's Royal Approbation and allowance thereof shall be signified to the Governor or Commander in chief for the Time being any thing

thing herein before contained to the contrary thereof in any-wise Notwithstanding

By Order of the Commons House of Assembly,

DAVD. MONTAIGUT Speaker

By Order of the upper House of Assembly

JAMES HABERSHAM

In the Council Chamber
the first day of May 1760,

Assented to,

HENRY ELLIS

(State Archives.)

AN ACT

For the better regulating the Town of Savannah, and for ascertaining the Common thereunto belonging.

WHEREAS several Persons possessors of Houses and Lots in the Town of Savannah have taken upon them to extend their Fences beyond the Boundaries of their respective Lots and to inclose part of the Streets and Squares within the same AND WHEREAS Rubish and other offensive things are frequently laid in the Streets of the said Town

Town, and for want of Persons lawfully impowered to remove the same do continue there to the great Annoyance of the Inhabitants of the said Town, For Remedy whereof WE pray your sacred Majesty that it may be ENACTED AND BE IT ENACTED by HIS EXCELLENCY HENRY ELLIS ESQUIRE Captain-General and Governor in Chief in and over this his Majesty's Province of Georgia, by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in general Assembly met, and by the Authority of the same, THAT from and after the passing of this Act if any building or Fence shall be erected or put up by any Person or Persons whatsoever so as to inclose or take in any Part of the Highway, Streets, Squares Lanes or Alleys belonging to or within the Town of Savannah, or shall repair or rebuild any Porch Piazza Fence or Inclosure already built or set up which shall extend more than two Foot into any Street, Square Lane or Alley, it shall and may be Lawfull for the Commissioners herein after appointed to require the Person or Persons making such encroachments or obstruction to desist therefrom or to remove the same, and in Case such Person or Persons shall neglect or refuse so to do, Then the said Commissioners or any three of them shall, and they are hereby impowered and required to hire and employ Artificers and Labourers, Carts Horses and other Utensils to pull down, remove or otherwise destroy the same at the proper Cost and Charges of the Person or Persons causing or making such encroachment

encroachment or obstruction, and in Case of neglect or refusal of such Person to pay the Expence thereof it shall and may be Lawfull for the said Commissioners to issue their Warrant against the Goods and Chattells of such Offender and to cause the same to be levied thereon. AND in Case any Constable of the said Town shall neglect or refuse to execute such Warrant, such Constable shall be liable to the like Fine and forfeiture as may by Law be inflicted on any Constable refusing to execute any Lawfull Warrant or Precept AND BE IT FURTHER ENACTED by the Authority aforesaid That the Common appertaining to the said Town extending Southerly from the extremity of the Bluff on the River Savannah to the North Line of the Garden Lots, and Westerly from the West Line of the Garden Lots lying East of the said Town to the East line of the Lots lately laid out between Musgrove's Creek and the said Town including all the Squares Streets, Lanes and Passages described in the Plan of the said Town in the Surveyor general's Office, and which have been heretofore Accustomed or made use of by the Inhabitants of the said Town shall be and continue the Common Property of the Lot holders in the said Town, and shall not be aliened or granted away for any Purpose whatsoever than by Act of the general Assembly And in Case any Person or Persons shall encroach thereupon or inclose any part thereof for any Purpose, or shall lay any Timber Rubbish, or other Offensive thing in any of the said Squares, Streets or Lanes every such Person shall be liable

to

to the like Fines and Penalties as are by this Act inflicted on Persons encroaching on the Streets of the said Town and the Commissioners shall have like Power to levy the same PROVIDED nevertheless that the Property of such Parts or Portions of the said Common lying without the Lines of the said Town as have been already granted shall continue and remain in the same State as if this Act never had been made, any thing herein contained to the contrary notwithstanding. AND WHEREAS the sinking of Wells in the Town of Savannah and keeping them in repair is highly necessary for the benefit of the Inhabitants as well as conducive to the preservation of the said Town in Case of Fire AND WHEREAS by an Act of the general Assembly passed the eighth Day of February one thousand seven hundred and fifty seven Intitled an Act for explaining and amending an Act entitled An Act to empower the Surveyors hereafter named to lay out Public roads in the Province of Georgia it is Provided that the fourth part of the Fines levied on such of the Inhabitants of the Town of Savannah as shall neglect or refuse to Work on the said Town and the Common thereunto belonging should be applied by the Surveyors in the aforesaid Act named towards the repair of the public Wharff belonging to the said Town And forasmuch as the repairing of the said Wharff is now found to be not only impracticable but also unnecessary BE IT THEREFORE ENACTED by the Authority aforesaid That the Money arising from the aforesaid Fines and appropriated as aforesaid for the repairing of the said

Wharff

Wharff shall be and is hereby appropriated and directed to be applied towards keeping in repair the Public Wells already Sunk in the said Town and sinking such other Wells as the said Surveyors in the said last mentioned Act shall think necessary in such parts of the said Town as they shall judge most convenient AND BE IT FURTHER ENACTED that no Butcher shall erect any Slaughter House, or kill or cause to be killed or Slain any Beast within the Fortification Line of the said Town of Savannah on Pain of forfeiting for every Beast, Calf, Sheep or Swine so killed a Sum not exceeding Ten Shillings to the Poor of the Parish of Christ Church to be levied by Warrant of Distress and Sale under the Hand and Seal of one Justice of the Peace for the said Town on the Goods and Chattels of the Offender to be paid into the Hands of the Church Wardens of the said Parish for the Use aforesaid, returning the Overplus to the Owner, if any. AND BE IT FURTHER ENACTED by the Authority aforesaid That Joseph Ottolenghe, James De Veaux William Ewen and William Russell Esquires shall and they are hereby nominated and appointed Commissioners to put this Act in Execution and shall keep an Account of their proceedings in a Book to be kept for that Purpose AND BE IT FURTHER ENACTED by the Authority aforesaid that if either of the said Commissioners before appointed should refuse to Act, or should die or depart this Province that then the Governor or Commander in chief for the Time being by and with the Advice of his Majesty's

Council

Council are hereby impowered to appoint a Commissioner or Commissioner in the Room of such Person or Persons so refusing to Act, dying or departing the Province —

By order of the Commons House of Assembly

DAV^{D}. MONTAIGUT Speaker

By Order of the upper House of Assembly

JAMES HABERSHAM

In the Council Chamber
the first day of May 1760,

Assented to,

HENRY ELLIS

(State Archives.)

AN ACT

Title

to Amend an Act, Intitled an Act to prevent Masters of Vessels from carrying off Persons in Debt in this Province

Preamble

WHEREAS by an Act passed the twenty seventh day of March in this present Year of Our Lord one thousand seven hundred and fifty nine, every Master of a Vessel arriving in any Port of this Province is required to enter into Bond in the Secretary's

retary's Office with one sufficient Securety or well known Merchant in the Penalty of one hundred and fifty Pounds Sterling Money payable to the Governor or Commander in Chief for the Time being, The condition of which Obliges every Master or Commander to determine at the Time of giving such Bond the Port to which he is bound on the next Voyage; and as the fixing the same has been found very inconvenient, WE therefore pray your most Sacred Majesty that it may be enacted, and BE IT ENACTED by His Excellency Henry Ellis Esquire Captain General and Governor in Chief of this your Majesty's Province of Georgia, by and with the Advice and Consent of the Honourable Council and the Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same, that immediately after the passing of this Act, the Words (Bound to) in the Condition of the said Bond be left out, and that the other parts of the said Bond shall remain in the same Words as therein is directed by the said Act AND BE IT FURTHER ENACTED by the Authority aforesaid that the aforesaid Act and this Act shall remain and be in force for and during the Term of three Years from the passing this Act, and from thence to the End of the next Session of the General Assembly, and no longer.

Enacted

that after passing this Act the Words (bound to) in Condition of Bond entered into by Master of Vessel arriving in this Province in the Secretarys Office to be left out

Continuance

By order of the Commons House of Assembly

DAV^{D}. MONTAIGUT Speaker

By Order of the upper House of Assembly

JAMES HABERSHAM

In

In the Council Chamber
the first day of May, 1760

Assented to

HENRY ELLIS

(State Archives.)

AN ACT

Title. *to amend and continue an Act, Intitled an Act for Establishing and Regulating of Patrols—*

Preamble. WHEREAS by an Act past by the General Assembly of this Province the twenty eighth day of July one thousand seven hundred and fifty seven, Intitled an Act for Establishing and Regulating of Patrols to continue and be in force for two Years and from thence to the End of the next Session of the General Assembly and no longer IT IS ENACTED that the Commanding Officer of every Company of ffoot Militia in this Province shall on every Muster-Day appoint Patrols to do duty in their respective Districts till the next ensuing Muster Day, or on ffailure in appointing Patrols as aforesaid to forfeit and pay the Sum of ten shillings Sterling for every Patrol District neglected by him; AND WHEREAS there is no Penalty Inflicted

flicted on the Commanders of such Patrols for neglect of their Duty by which means the said Act has proved Ineffectual, WE therefore humbly pray Your most Sacred Majesty that it may be Enacted, and BE IT ENACTED by his Excellency Henry Ellis Esquire Captain General and Governor in Chief in and over this his Majesty's Province of Georgia, by and with the Advice and concent of his Majesty's Honourable Council and Commons House of Assembly of the said Province in General Assembly met, and by the Authority of the same, That from and after the passing of this Act; Every Commander of a Patrol, being regularly appointed Agreeable to the before recited Act refusing to take upon him such Command, shall forfeit and pay the Sum of twenty shillings; Or after Accepting such Command, not doing his Duty as prescribed by the said Act, shall for every such Offence forfeit and pay a Sum not exceeding ten shillings to be Adjudged by a Majority of the Commissioned Officers of the Company to which such Patrol shall belong, and levied (in both Cases) by Distress and Sale of the Offender's Goods by a Warrant for that purpose under the Hand and Seal of the Captain or Commanding Officer of the said Company And be paid to the Church Wardens for the Use of the Poor of the parish where the Offence shall be Committed AND BE IT FURTHER ENACTED by the Authority aforesaid that this Act And the above recited Act shall continue and be in force for the term of five Years from the passing of this Act

Enacted,

Patrol Officer being appointed & refusing to take Command, to forfeit 20s/, & accepting Command & not doing duty to forfeit not exceeding 10/.

forfeitures, how to be levied and applyed...

Continuance.

and

And from thence to the End of the next Session of the General Assembly and no longer—

By order of the Commons House of Assembly

DAV^{D}. MONTAIGUT Speaker

By Order of the upper House of Assembly

JAMES HABERSHAM

In the Council Chamber
the first day of May, 1760

Assented to

HENRY ELLIS

(State Archives.)

AN ACT to ascertain the manner and fform of electing Members to represent the Inhabitants of this Province in the Commons House of Assembly.

Preamble

WHEREAS the manner and fform of chusing Members of the Commons House of Assembly to represent the Inhabitants of this Province and the Qualification of the Electors and those elected Members of the Commons House of Assembly has never yet been appointed fixed and determined by any Law of this Province WE therefore pray your most Sacred Majesty that it may be Enacted AND

Enacted

BE IT ENACTED by His Honor JAMES Wright

For Electing Members to the Commons House of Assembly.

WRIGHT ESQUIRE Lieutenant Governor and Commander in Chief of this his Majestys Province of Georgia by and with the Advice and Consent of the Honorable Council and the Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same THAT from and after the passing of this Act all Writs for the Election of Members of the Commons House of Assembly shall be issued out by the Governor or Commander in Chief for the time being with the Consent of the Council and shall bear teste fforty days before the day appointed for the meeting of the said Members and shall be directed to the Provost Marshal in the said Writs to cause such Elections to be made and to return the names of the Persons elected to be Members of the Commons House of Assembly and the Provost Marshal is hereby impowered and required to Execute such Writ to him directed and for the faithful and due performance of which according to the true intent and meaning of this Act the Provost Marshal shall cause publick Notice in writing to be affixed at one or more noted place or places in such Parish district Town or Village for which the Election of a Member or Members by him is to be taken at least ten days before the day of Election of the time and place where such Election is by him to be taken AND BE IT FURTHER ENACTED by the Authority aforesaid that every free White Man and no other who has attained to the Age of Twenty One Years and hath been Resident in the Province Six Months and is legally possessed in his own Right of

Writs for electing Members of Assembly to be issued by the Governor with Consent of the Council to bear teste 40 days before the day appointed for meeting, and to be directed to the Provost Marshall, who is to cause such Elections to be made and return the names of the Persons elected

Provost Marshall to cause public Notice to be made in writing of the Time and Place of Election, at least 10 days before the Day of Election

Every free White Man of the Age of 21 Years, that hath been resident in the Province 6 Months & possessed in his own right of 50 Acres of Lands in the

Parish &ca where a Member is to be elected, deemed qualifyed to Vote for such Representative

of ffifty Acres of Land in the said Parish District or Village for which the Member or Members is or are to be elected to represent in the General Assembly shall be deemed a person qualified for Electing a Representative or Representatives to serve as Member or Members of the Common House of Assembly for the Parish District Town or Village wherein he is possessed of the above Qualification And for preventing ffrauds as much as may be in all Elections It is hereby ENACTED by the Authority aforesaid that the Returning Officer shall come to the place at the time appointed by the publick notice given and shall enter the Names of every person presented or presenting himself as a Candidate in a Book or Roll leaving a fair Column under each Candidates Name for the Names of the Voters and when a Voter comes and Votes the Returning Officer shall repeat distinctly the person or persons Names for whom the Vote is given before he writes the Voters Name in the fair Column under the name of such Candidate or Candidates as shall be voted for by that person and that no Voter shall alter his Vote after it be entered or Vote twice at one and the same Election and that the Candidate or Candidates who after the Poll is closed and the Votes summ'd up shall be found (upon Scrutiny made if demanded) to have the Majority of Votes shall be deemed and declared to be a Member or Members of the succeeding Commons House of Assembly AND BE IT ENACTED by the Authority aforesaid that the time for taking Votes at any Election shall be between the Hours of Nine of the Clock in the

J H erased from the Word of to the Word the G. E.

Returning Officer to enter the Names of the Candidate or Candidates in a Book or Roll, and the Name of the Voter under the Name of the Person voted for, and no Voter to alter his Vote after entered or vote twice at the same Election

The Candidate or Candidates having the Majority of Votes (upon Scrutiny made if demanded) declared a Member or Members of the Assembly

the forenoon and six in the Afternoon and that at adjourning the Poll at Convenient hours during the time of an Election the Returning Officer shall first sum up the Votes given for each Candidate and declare the same to the Candidates present and also declare the same when he has opened the Poll at the ensuing meeting and that the said Election shall not continue longer than two days unless a Scrutiny is demanded PROVIDED NEVERTHELESS that the returning Officer is hereby impowered and required to close the Poll when he or they have waited two hours after the last Vote has been given or at any time by and with the Consent and desire of all the Candidates then present AND BE IT ENACTED by the Authority aforesaid that every person who shall be elected and returned as is before directed by this Act to serve as a Member in the Commons House of Assembly of this Province shall be qualified in the ffollowing manner (viz[t] That he shall be a free born Subject of Great Britain or of the dominion thereunto belonging or a fforeign person Naturalized professing the Christian Religion and no other and that hath arrived at the Age of Twenty One Years and hath been a Resident in this Province for twelve Months before the date of the said Writ and being legally possessed in his own Right in this Province of a Tract of Land containing at least ffive Hundred Acres

Votes to be taken between the Hour of 9 in the forenoon and 6 of the Clock in the afternoon, and no Election to continue longer than 2 days unless a Scrutiny is demanded

Proviso

Returning Officer to close the Poll two Hours after the last Vote given or at any Time with Consent of the Candidates present.

Every Person returned to be A Member of the Assembly to be a free born Subject or a foreign Person naturalized professing the Christian Religion, of the Age of 21 Years, and a Resident of this Province one Year and possessed of 500 Acres of Land therein

AND BE IT ENACTED by the Authority aforesaid that if any Member or Members chosen or hereafter to be chosen to serve in this or any other Commons House of Assembly shall refuse to serve

Any Member or Members chosen to serve in the Common House of Assembly refusing to serve, or

should die or depart the Province or be expelled the House, The House to address the Governor to issue a new Writ or Writs to elect a Member or Members to fill up such Vacancy

serve or any Member or Members should die or depart this Province or shall be expelled the House so that his or their Seat or Seats become vacant then and in such case the House shall by Address to the Governor or Commander in Chief for the time being signify the same and desire that a new Writ or Writs may issue to elect a Member or Members to fill up the Vacancy or Vacancies in that house and in Consequence of such Address a new Writ or Writs shall be issued to chuse in that Parish District Town or Village such other Member or Members to serve in the place or places of such Member or Members whose Seat or Seats are become vacant and every person so chosen and returned as aforesaid shall attend the Commons House of Assembly and shall be reputed deemed and judged a Member thereof AND BE IT ENACTED by the authority aforesaid

Returning Officer not take the Vote of any Person refusing to take the Oath herein prescribed

that if any Returning Officer as aforesaid shall admit of or take the Vote of any person refusing at the request of one of the Candidates or any two persons qualified to Vote to take the following Oath "I A B do swear that I am legally possessed "in my own Right of a ffreehold Estate of ffifty "Acres of Land in the Township or District of——

erased from the Word Estate to the Word is. J H G: Elliott

"And that such Estate x x x x x x x x "is legally or bona fide in my own right and not "made over or Granted to me purposely or fraudu- "lently to intitle me to Vote at this Election"——

Oath to be administered when required to the Voters

or at the request of any Candidate or any two ffreeholders shall refuse to administer the following Oath to any Candidate who is hereby Obliged to take

take this Oath if so required "I A B do swear that "I am in my own Right truly and legally possessed "of ffive hundred Acres of Land within this Prov- "ince and that the said Right is truly and Bona fide "within myself and not fraudulently made over or "granted to me for the purpose of qualifying me to "be a Representative in General Assembly" or if the Provost Marshal shall make any fraudulent return or shall influence or endeavor to influence or perswade any Voter not to Vote as he first designed shall forfeit for each and every such Offence the Sum of ffifty Pounds Sterling to be to his Majesty for defraying the expence of the sitting of the General Assembly and to be Sued for and recovered in the General Court of this Province by Bill Plaint or Information AND BE IT ENACTED by the Authority aforesaid that the Provost Marshal or any person properly Authorised by him to manage an Election as aforesaid shall not return himself as a Member to serve in General Assembly and if the Provost Marshal refuses or neglects on a Summons from the Commons House of Assembly to attend that House to inform them to the best of his knowledge of any matter or dispute that did arise or may have arisen about the Election of the Member or Members by him returned to serve in Assembly or refusing to Shew the Poll taken shall forfeit for every such offence ffifty Pounds Sterling to be applied and recovered as is herein before directed AND BE IT FURTHER ENACTED by the Authority aforesaid that if any person Or persons whatsoever shall on any day appointed for the Election

Oath to be administered to any Candidate of required

Provost Marshall making any fraudulent Return or influencing or perswading any Voter, not to Vote as He first designed to forfeit £50 Sterling to be his Majesty for defraying the Expence of the Sitting of the General Assembly -

The Provost Marshall or any Person authorized by him to manage an Election not to return himself as a Member to serve in Genl Assembly, and refusing to attend and inform the House of any Matter about the Election of Members returned by him, or refusing to show the Poll taken to forfeit £50 to be applyed as before directed

Any Person on the Day of Election attempting by any Arrest or Threats to overawe any Person to vote against his Inclination, or by Bribery obtain any Vote or after the Election menace or abuse any Person for not voting, as He would have had him, on sufficient Proof before two Justices to be bound over to the next General Session of the Peace, and if convicted to forfeit a Sum not exceeding £20

tion of a Member or Members to serve in the Commons House of Assembly as aforesaid presume to violate the ffreedom of the said Election by any Arrest Menaces or Threats or Attempt to overawe affright or force any person qualifyed to Vote against his Inclination or Conscience or otherwise by Bribery obtain any Vote or who shall after the said Election is over menace despightfully use or abuse any person because he hath not voted as he or they would have had him every such person so offending upon due and sufficient proof made of such his Violence or abuse menacing or threatening before any two Justices of the Peace shall be bound over to the next General Sessions of the peace himself in Twenty Pounds Sterling Money and two Sureties each in Ten Pounds like Money and to be of good behaviour and abide the Sentence of the said Court where if the Offender or Offenders are convicted and found Guilty of such Offence or Offences as aforesaid then he or they shall each of them forfeit a Sum not exceeding Twenty Pounds Sterling Money and be committed to Gaol without Bail or Mainprize till the same be paid which ffine so imposed shall be paid as before directed AND BE IT FURTHER ENACTED by the Authority aforesaid that no Civil Officer whatsoever shall execute any Writ or other Civil Process whatsoever upon the Body of any person qualifyed to vote for Members of the Commons House of Assembly as before in this Act directed either in his Journey to Or in his return from the place of such Election providing he shall not be more than fforty eight hours

No Civil Officer to execute any Writ on the Body of any Person qualifyed to vote in his Journey to or on his Return from the Place of Election, provided He be not more than 48 Hours in his Journey to, returning from or during his stay there on that that

hours upon his Journey either going to returning from or during his stay there upon that Account or within fforty Eight hours after the Scrutiny for such Election is finished under the Penalty of a Sum not exceeding Twenty Pounds Sterling Money to be recovered of and from the Officer that shall Arrest or serve any Process as aforesaid after such manner and fform as to be disposed of as herein before is directed and all such Writs or Warrants executed on the Body of any person either going to or being at within the time limitted by this Clause or returning from the place where such Election is appointed to be managed he being qualified to give in his Vote thereat are hereby declared void and null

Account, or within 48 Hours after the Scrutiny for such Election is finished, under the Penalty of a Sum not exceeding £20, and Writs executed on the Body of such Persons within the Time limited declared void -

AND BE IT ENACTED by the Authority aforesaid that this Act or any part thereof shall not extend to debar the Commons House of Assembly of the Right to Judge and determine agreeable to the directions of this Act the Qualification of any Member or Members of that House or to take away from the General Assembly or any part thereof any Powér or Priviledge whatever that any General Assembly or any part thereof heretofore of Right had might could or ought to have had in the said Province any thing herein contained to the contrary in any wise notwithstanding PROVIDED ALWAYS that this Act or any part thereof shall not be construed to take away the power and prerogative given the Governor or Commander in Chief for the time being from the Crown to adjourn prorogue or dissolve any General Assembly Of this Province

This Act not to extend to debar the Commons House of the right to Judge agreable to the Directions of this Act the Qualification of their Members, or to take away any Priviledge any General Assembly heretofore had in this Province

Proviso

Province when and as often as he shall think fit and expedient so to do or to take away any other Power or Prerogative whatever had from the Crown—

By Order of the Upper House

JAMES HABERSHAM

By Order of the Commons House of Assembly

GREY ELLIOTT

In the Council Chamber
the Ninth Day of June, 1761

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT For erecting a Fort and Battery on the Island of Cockspur in the River Savannah, and a Lookout and Battery on Midway River.—

Preamble

WHEREAS the erecting a Fort and Battery at Cockspur Island in the River Savannah and also a Lookout and Battery on Midway River are not only highly necessary for the Protection of the Province in the time of War from Insults and its Commerce from the depredations of any Enemy but also extremely proper and expedient in time of Peace for inforcing

Enacted

inforcing a due observance of the Laws WE therefore pray your most Sacred Majesty that it may be Enacted AND BE IT ENACTED by his Honour JAMES WRIGHT ESQUIRE Lieutenant Governor and Commander in Chief in and over his Majestys Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That the Persons hereinafter nominated respectively shall be and they are hereby constituted and appointed Commissioners for constructing erecting ordering and building a Fort and Battery on the Island of Coxspur and a Lookout and Battery on Midway River in such manner and fform as they the said several and respective Commissioners for building thereof or the majority of them shall judge most fit and convenient for the purposes by this Act intended.

That the Persons in this Act named are constituted Commissrs. for constructing a Fort and Battery & Lookout and Battery

AND BE IT FURTHER ENACTED by the Authority aforesaid That the said Commissioners shall be and they are hereby severally authorized and impowered respectively to employ Workmen and to Contract for Materials requisite and necessary for the building and constructing of the said Fort Battery and Lookout as soon as conveniently may be And for this end they are hereby severally required immediately after the passing of this Act to assemble and meet together respectively at the Towns of Savannah and Sunbury and as soon after as may be to agree and fix upon Plans for building of the said Fort and Battery and Lookout and Battery

Commissioners impowered to employ workmen and contract for materials to assemble as soon as conveniently may be and fix upon Plans for Building the Fort Lookout & Battery's

Battery respectively and to set about the building thereof and see that the same be accordingly performed with delay. --

Treasurer to pay not exceeding £540 on Certificates of the Commissioners for erecting a Fort Lookout and Battery's

AND BE IT FURTHER ENACTED by the Authority aforesaid That to and for defraying the expence of Erecting the said Fort & Battery on Cockspur Island and a Lookout and Battery on Midway River the Treasurer shall and he is hereby Authorized and required to Issue and pay out of the Monies that shall be paid into his hands By the Commissioners appointed in and by an Act (of the present General Assembly of this Province) Intitled An Act for raising and granting to his Majesty the Sum of Four hundred and Forty Pounds for erecting a Fort and Battery on the Island of Cockspur in the River Savannah and the Sum of One Hundred Pounds Sterling for erecting a Lookout and Battery on Midway River and for empowering Commissioners to issue Certificates for the said Sums and for sinking the same by a tax of ten shillings sterling on every hundred pounds value of Deer skins and Beaver skins exported from or taken or carried out of this Province to any part of his Majestys Dominions except to Great Britain only) a Sum not exceeding Four Hundred and Forty Pounds by order of the Governor and Council on the Certificates of the Commissioners hereby appointed for erecting a Fort and Battery on the Island of Coxspur and a Sum not exceeding One Hundred Pounds Sterling by order of the Governor and Council on the Certificates of the Commissioners hereby appointed for erecting a Lookout and

from the Word (of) to the Word (Province) was interlined

L: J: -J H-

and Battery on Medway River and to and for no other Use or purpose whatsoever. —

Commissioners named for the Fort & Battery on Cockspur and the Lookout and Battery on Medway River

AND BE IT FURTHER ENACTED That the several Persons herein after named shall be and they are hereby nominated and appointed Commissioners respectively for executing and performing the several matters aforesaid agreeable to the intent and meaning of this Act that is to say for the building a Fort and Battery on Coxspur Island The Honourable Noble Jones Jonathan Bryan James Edward Powell William Clifton and Grey Elliott Esquires The Honorable Lewis Johnson Esquire James Deveaux William Ewen John Graham James Read John Milledge and Henry Yonge Esquires And for the erecting a Lookout and Battery on Medway River Mark Carr James Maxwell Senior Kenneth Baillie John Elliott John Simpson James Fisher William Swinton James Maxwell Junior and Adam Bosomworth. —

any seven Commissioners for the Fort & Battery on Cockspur; and any five for the Lookout & Battery on Medway river to be deemed a Board

AND BE IT ENACTED by the Authority aforesaid That any Seven of the Commissioners before appointed for erecting a Fort and Battery on the Island of Coxspur And any ffive of the Commissioners for Erecting a Battery and Lookout on Medway River be and they are hereby constituted a Board, a Majority of which Board is hereby authorized to carry this Act into Execution. ——PROVIDED nevertheless AND BE IT HEREBY ENACTED That his Honour James Wright Esquire or the Governor & Commander in Chief for the time being shall and may from time to time give

Proviso

The Governor and Commander in Chief

for the time being to give such Orders & directions touching the Buildings &ca as He shall think proper

give such Orders and directions to the several Commissioners aforesaid respectively as he shall think proper as well respecting the building of the said Fort and Battery at Coxspur Island as the Lookout and Battery on Medway River to which all and every the said Commissioners shall and are hereby required to observe and pay obedience — —

and Commissioner refusing to Act to forfeit £5 Sterling to be applied to the use of the Fort or Lookout for which such Person is a Commn.

AND BE IT FURTHER ENACTED by the Authority aforesaid That if any of the said Commissioners herein before respectively appointed shall neglect or refuse to perform his part or duty required in the execution of this Act every such Commissioner shall forfeit and pay the Sum of Five Pounds upon due proof thereof before the Major part of the Commissioners of the work in which such Commissioner shall make default who shall and may issue their Warrant under their Hands and Seals for levying of the same on the Goods and Chattels of the delinquent which fine when levied shall be applied to the use of the Fort or Lookout for which he is a Commissioner And to prevent the taking away or destroying any Materials that shall hereafter be collected and prepared for the purposes aforesaid and the defacing or destroying of the said ffort and Battery and Lookout and Battery whilst they are building and afterwards. —

Persons taking away damaging or destroying any materials prepared for the Fort, Lookout or Battery's

AND BE IT FURTHER ENACTED by the Authority aforesaid That if any Person or Persons whatsoever shall take away or in any wise wilfully damage or destroy any materials whatsoever that shall be got together or collected and prepared for the

the use of the said several works hereby directed or that shall deface or any wise injure or destroy any part of the said Fort Batterys or Lookout whilst the same are building or afterwards when built and compleated or any ditches ffences or outworks thereunto respectively belonging every such Offender and Offenders shall forfeit and pay a Sum not exceeding One Hundred Pounds to be recovered by Bill Plaint or Information in the General Court of Pleas of this Province the same to be to his Majesty and to be applied one half to the use of the informer and the other half towards building and keeping in Repair the Fort Battery or Lookout about which such offence shall be committed And in case the Offender or Offenders shall not have wherewith to pay such ffine then he she or they shall be committed to the common Gaol for a term not exceeding three Months And if any slave shall be guilty Of any Offences before mentioned That then upon due conviction thereof before any Justice of the Peace of any Parish in the said Province the said Justice shall and is hereby required to cause such Slave for the first offence to be publickly whipt on the bare back in three different parts of the Town nearest to where the offence was committed not exceeding Sixty Lashes and for every the like offence repeated such Slave shall be punished in the like manner but if the damage done by such Slave or Slaves shall exceed the Value of ffive pounds sterling it shall be deemed Felony and he or they shall be tryed as directed by an Act Intitled An Act for the better ordering and governing Negroes and other

whilst building or afterwards when built shall forfeit £100 to be recovered by Suit in the General Court of Pleas one half to his Majesty towards building and keeping in repair the Fort Battery's & Lookout where the Offence is committed and the other half to the Informer

In Case of Nonpayment the Offenders to be commited to Goal for three Months-

If a Slave guilty of the Offences to be publicly whip'd in 3 different parts of the Town nearest to where the Offence committed; but if the damage done by such Slave amot. to £5 Stg. He shall be adjudged guilty of ffelony unless his owner make good the said damage.

other Slaves in this Province unless the Owner of such Slave or Slaves pay or make good the said damage and to the intent that no person may plead ignorance hereof the said Commissioners shall at their first meeting or within ten days after cause the foregoing Clause of this Act or the substance thereof to be advertized in the most publick place in the Towns of Savannah and Sunbury respectively. —

Commissioners to advertize the same in the Towns of Savannah & Sunbury within 10 days after their 1st meeting

AND BE IT FURTHER ENACTED by the Authority aforesaid That in Case by death absence or any other accident there shall not be a sufficient number of Commissioners for performing either of the works aforesaid That then the Major part of the Commissioners for the Fort or Lookout where such Vacancy shall happen shall with the approbation of the Governor nominate and appoint such other Commissioner or Commissioners in the room of him or them so dying or being absent as shall be necessary for the carrying on and perfecting the Business intended by this Act which Commissioner or Commissioners so to be appointed shall have the same power and authority and be subject to the like penalty in case of neglect or refusal of the duty required of him as the Commissioners herein before appointed

If there be not a Sufficient number of Commissioners the Major part of them present with the Governor's concurrence shall nominate others in their Room who shall be liable to the like penalties in Case of refusal or neglect as those before Appointed

AND BE IT FURTHER ENACTED by the Authority aforesaid That the said Commissioners shall when hereto required respectively give an Account to the General Assembly of this Province of all and every their Acts and proceedings done and performed

The Commissioners to rendr. an Accot. to the Genl. Assembly of their proceedings when required.

performed by vertue of and in pursuance of this Act. —

By Order of the Commons House of Assembly.—

LEWIS JOHNSON Speaker

By Order of the upper House

JAMES HABERSHAM

Council Chamber 19th December 1761

Assented to

JA: WRIGHT,

(State Archives.)

An act for amending an act entitled "An act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging.

Preamble.

1 WHEREAS, by an act of assembly passed the first day of May, in the year of our Lord one thousand seven and sixty, entitled, "An act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging," the lots heretofore allotted for the use of the public, and on several of which buildings have been erected, were not ascertained, whereby the inhabitants of Savannah may be deprived of the benefits intended them by such allotments, and unnecessary disputes, and

and suits at law may arise for want of such lots being ascertained. *Be it therefore enacted,* That the several lots herein after mentioned, and particularly described in the plan of the town of Savannah in the surveyor general's office of this province, and to which reference may be had, shall be and continue for the uses and purposes to which by this act they are respectively appropriated, and shall not be aliened or granted away to, or for any other use or purpose whatever, unless by act of the General Assembly, that is to say, the lot D, whereon the church now stands, as also the lot E, whereon the parsonage-house now stands, shall be and continue for the uses and purposes to which they are respectively appropriated and allotted in and by an act entitled, "An act for constituting and dividing the several districts and divisions of this province into parishes, and for establishing religious worship therein according to the rites and ceremonies of the church of England, and also for empowering the churchwardens and vestry men, of the respective parishes, to assess rates for the repair of churches, the relief of the poor and other parochial charges;" C, whereon a prison formerly stood, shall be and continue for the use and purpose of a public jail or prison, and for the use of the keeper of the same; the lot H, whereon the court house now stands, shall be and continue for the use and purpose of a court house for this province; the lot S. whereon the filature now stands, shall be and continue for the use of a public filature; the lot V, whereon the state house now stands, shall be and

Lots herein named, set apart to certain uses.

continue

continue for the use and purpose of a state house, for this province; as also the water lots at the end of every street, also sixteen acres of land laid out for the use of the public, joining the common of the said town, and known by the name of the Spring, shall be held, deemed, and reputed, as public lots and lands, and reserved for the use of the public only.

2. *Contains a plan of the town, see acts of* 1762, 1766 and 1770.

3. *Regulates the town, see act of* 1787.

GREY ELLIOTT, *Speaker.*

JAMES HABERSHAM,

JAMES WRIGHT.

June 9, 1761.

(State Archives.)

AN ORDINANCE for the appointing the Honourable William Knox Esquire Agent Assistant to Sollicit the Affairs of this Province in Great Britian.—

WHEREAS there are many Important Affairs of this Province to be Represented Sollicited and Transacted in Great Britain for the more effectual doing

doing of which an Agent appointed by the Legislature of this Province appears necessary to assist Benjamin Martin Esquire his Majestys Agent for this Province AND WHEREAS the General Assembly of this Province have thought the Honorable William Knox Esquire a proper person to be appointed for the said purpose, BE IT THEREFORE ORDAINED, AND IT IS HEREBY ORDAINED by his Excellency JAMES WRIGHT ESQUIRE Captain General and Governor in Chief of the Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That the said William Knox be and he is hereby declared Nominated and Appointed Agent Assistant to Benjamin Martyn Esquire his Majestys Agent for the said Province to Represent Sollicit and Transact the Affairs of this Province in Great Britain. —

AND BE IT FURTHER ORDAINED by the Authority aforesaid That the said William Knox shall be and he is hereby fully authorized and empowered to follow and pursue all such Instructions as he shall from time to time receive from the General Assembly of this Province or from the Committee herein after appointed to Correspond with him—

AND BE IT FURTHER ORDAINED by the Authority aforesaid That the Honorable James Habersham Noble Jones Francis Harris James Edward

ward Powell and William Clifton Esquires of his Majestys Honorable Council The Honorable the Speaker for the time being Alexander Wylly John Graham James Deveaux Joseph Ottolenghe Noble Wimberly Jones and James Read Esquires so long as they shall continue Members of the Commons House of Assembly or any Seven of them (Two of which to be of the Council) be and they are hereby nominated and appointed a Committee to Correspond with the said William Knox and to give him such Orders and Instructions as they shall judge for the Service of this Province. —

AND BE IT FURTHER ORDAINED by the Authority aforesaid That the said William Knox shall be and continue Agent of this Province for One whole Year to commence from the ffirst day of May One thousand seven hundred and Sixty Two.

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly

LEWIS JOHNSON Speaker

Council Chamber
19th February 1762

Assented to

JA: WRIGHT.

State

(State Archives.)

AN ACT to Oblige Masters of Vessels Supercargoes and other Transient persons importing Goods and Merchandize into this Province to pay Tax for the same—

Preamble

WHEREAS Masters of Vessels Supercargoes and other Transient persons import sundry Goods Wares and Merchandize into this Province for Sale for which no Tax is paid to the great prejudice of the trading Inhabitants thereof and the manifest injury of the Publick Revenue for Remedy whereof WE pray your most Sacred Majesty that it may be

Enacted

Enacted AND BE IT ENACTED by His Excellency JAMES WRIGHT Esquire Captain General and Governor in Chief of the Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That all Masters of Vessels Supercargoes and every other Transient person and Persons who from and after the passing of this Act shall import into this Province for Sale any Goods Wares or Merchandize not belonging to or consigned to any Person resident in this Province shall within fforty eight hours after his her or their Arrival in the said Province deliver in upon Oath to the Comptroller of his Majestys Customs a Manifest or Schedule of the several Goods and Merchandize by him, her or them so imported with the Prime Cost of such Goods and Merchandize— And the said Comptroller is hereby

Transient Persons to deliver on Oath to the Comptroller an Accot. of all the Merchandize so imported with the prime Cost.

hereby authorized and required to Administer to every such Master of a Vessel Supercargoe or other person as aforesaid the following Oath "I A B do solemnly Swear (or affirm as the Case shall be) that the Manifest Schedule or Account by me now delivered and given in is a just and true Account of the prime Cost of all the Goods Wares and merchandize by me imported for Sale on my own Account or on the Account of any other person or persons whatsoever not being a Resident in this Province and that I have not made any fraudulent consignment of any part of the Goods and Merchandize by me Imported to any person or persons with intent to avoid the payment of the Tax imposed on Transient Trade SO HELP ME GOD A Copy of which Manifest Schedule or Account so given in and Certified by the Comptroller he she or they shall without delay deliver to the Treasurer and at the same time shall give him sufficient Security for the payment of the Tax due for the same according to the Rate of Two pounds ten Shillings for every hundred pounds Value of the Goods so imported within Two Months after Entry made for which Oath and Certificate the Comptroller shall and may take One shilling and six pence And the Treasurer Two shillings and six pence for the Bond AND BE IT FURTHER ENACTED That in Case any Master of a Vessel Supercargoe or other person importing Goods as aforesaid shall neglect or refuse to deliver in a Manifest and Account thereof as before required or to take the said Oath when tendered or to give Sufficient Security

Form of the Oath

Copy of the Manifest to be deliver'd to the Treasurer & give security for the payment of the Tax.

50/s on every £100 value of Goods so imported, to be pd. in 2 Months after entry made.

Comptroller's Fees 1/6. —

Treasurers ffees 2/6.

all Persons refusing or Neglecting to give a Manifest take the Oath or give Security for Payment of the Tax such Goods &c liable to Seizure.

as

as aforesaid for the payment of such Tax as shall be due on the Goods so imported that then it shall and may be lawfull to and for any Justice of the Peace of the said Province or any Parish thereof upon Information of such Neglect or refusal to him upon Oath made by any Person or Persons to issue his Warrant under his Hand and Seal directed to any Constable or Constables Authorizing and impowering him or them to take and seize all and every such goods wares and merchandize that shall be so imported and exposed to sale and to lodge the same with the said Comptroller who is hereby Authorized and required to set up the said Goods and Merchandize to Sale to the highest Bidder at Publick Outcry ffirst giving ffive days Notice thereof by Advertisement And all Monies Arrising from such Sale the expence thereof deducted shall be paid One Moiety thereof to His Majestys Treasurer for the use of His Majesty towards repairing the Light house on Tybee Island or erecting a New one and the other Moiety to the Informer PROVIDED ALWAYS AND BE IT FURTHER ENACTED by the Authority aforesaid That where any part of any Cargoes or Goods so imported by any Master Supercargoe or other Transient Person as aforesaid shall remain unsold or shall be reexported or bona fide consigned to any Inhabitant of this Province that then upon Oath thereof made to the Treasurer (which is hereby impowered to Administer) and that such consignment was not with any fraudulent intent to avoid payment of the said Tax it shall and may be lawful for the Treasurer

Comptroller required to sell at Public Outcry on giving 5 days notice such defaulter's Goods &c

moneys arising from such Sale one moiety to his Majesty for repairing Tybee light House the other to the Informer

Proviso

That any part of the cargoe's remain unsold, be rexported &c on Oath thereof made the Treas. to deduct the same out of the Gross amot.

to

to deduct the Value thereof out of the Gross amount of the Account given in for which Security shall have been given as aforesaid and to receive Tax only for such part of the Goods so imported as shall have been actually sold by such Master Supercargoe or other Person as a Transient Trader according to the true Intent and meaning of this Act AND BE IT FURTHER ENACTED by the Authority aforesaid That all the Monies arising from this Tax shall be to his Majesty for the Use of Repairing the present or Building a Light House on Tybee Island AND BE IT ENACTED by the Authority aforesaid That every Transient or other Person or Persons selling or retailing any Spirituous or other Liquors without Licence either on Shore or on Board any Ship or Vessel within any Harbour in this Province shall be and they are hereby made liable to the same ffines and Penalties as are directed to be inflicted on Persons retailing Spirituous Liquors without Licence by An Act Intituled An Act for the better regulating Taverns Punch Houses and retailers of Spirituous Liquors AND BE IT FURTHER ENACTED by the Authority aforesaid That this Act shall continue and be in force for and during the Term of five Years from the Passing thereof and until the end of the then next Session of the General Assembly of this Province and no longer

Monies arising from this Tax to be applied for repairing the present or Building a Light House on Tybee Island.

Transient Persons or others, selling spirituous, or other Liquors without Licence, on Board of any Vessell, or on shore; liable to the same penalties as the Tavern Keepers doing the same.

this Act to continue in force for 5 Years.

By Order of the upper House

JAMES HABERSHAM President

By

For Printing the Laws of This Province.

By Order of the Commons House of Assembly

LEWIS JOHNSON Speaker

Council Chamber 4th March 1762

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT

ffor making provision for Printing the Laws of this Province and for encouraging a Printer to set up a Printing Press in the same. -

Preamble. WHEREAS sundry wholsome and necessary Laws have been from time to time enacted by the General Assembly of this Province and for want of proper Means and easy Methods to make them known to such as they immediately concern few of them have hitherto been duly put in Execution and thereby frustrated the true end and real intention for which they were framed and enacted and because it is found by experience that the quickest and least burthensome method in publishing the Laws of this Province is by printing them We there-

Enacted. fore humbly pray your most Sacred Majesty that it may be Enacted AND BE IT ENACTED by his Excellency James Wright Esquire Captain General and

For Printing the Laws of This Province.

and Governor in Chief in and over the Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That from and after the passing of this Act or soon as conveniently may be All Laws of this Province then in force or that shall hereafter be in force shall be made publick by Printing and distributing them as hereinafter directed. And forasmuch as no Printing Press has as yet been set up in this Province and hitherto all the Publick transactions thereof have been published by hand writing which has proved not only tedious and highly expensive but also in most Cases ineffectual. AND WHEREAS James Johnston lately arrived in this Province from Great Britain Recommended as a person regularly bred to and well skilled in the Art and mystery of Printing hath offered to set up a Printing Press in the Town of Savannah if some encouragement and assistance were given to him by the Publick to defray part of the heavy Charges and Expences attending the procuring of Materials and other necessarys for setting up the same.

all the Laws of this Province to be Printed.

BE IT THEREFORE ENACTED by the Authority aforesaid That the said James Johnston shall and is hereby allowed and granted to him his Heirs and Assigns the Yearly Sum of One Hundred Pounds Sterling during the full term of ffour Years commencing from the time he shall be in readiness to comply with the dutys required of him by Virtue of this Act PROVIDED nevertheless and it is hereby

James Johnston allowed £100& Anm for 4 Years, as Printer, to commence at the setting up a Printing Press.

duty's required to be compiled with in 2 Years from the passg this Act.

by Enacted that the same be complied with within Two Years from the passing of this Act. —

Treasurer to pay said James Johnston yearly, by order of the Governor & Council, on Certificate from Commissioners that the service be perform'd.

AND BE IT ENACTED by the Authority aforesaid That the Publick Treasurer shall Yearly and every Year pay unto the said James Johnston or his Heirs or Assigns the full Sum of One Hundred Pounds for the Term aforesaid by order of the Governor or Commander in Chief for the time being and Council upon the Certificate of the hereinafter named Commissioners of the service being performed And that the said Annual Sum of One Hundred Pounds granted and to be paid as aforesaid to the said James Johnston or his Heirs or Assigns shall arise and be paid out of the General Tax. —

s.d 100 ℔ Anm to be paid out of the Gen.l Tax.

Duty's enjoyned on the Printer.

AND BE IT FURTHER ENACTED by the Authority aforesaid That the said James Johnston his Heirs and Assigns for and in consideration of the Annual Sum of One Hundred Pound Sterling for the term of ffour Years to him herein before granted and to be paid as herein before directed shall is and are hereby made liable and obliged to do perform and execute every such Services Matters and things herein after required to be done performed and by him executed that is to say he the said James Johnston or his Heirs and Assigns shall print or cause to be Printed all the Laws of this Province with Marginal references to every Clause of the said Laws which shall then be in force or shall hereafter be enacted and become in fforce during the aforesaid term of ffour Years upon proper paper and with Types fit for such purpose And shall also print

For Printing the Laws of This Province.

print a sufficient number of Copies of the said Laws to be distributed agreeable to the following directions that is to say A Copy for the Use of the Governor or Commander in Chief for the time being The same for the Use of the Upper House of Assembly and a Sett to each Member thereof A Sett for the Use of the Commons House of Assembly and a Sett to each Member of the said Commons House A Sett to the Secretary of this Province A Sett to his Majestys Treasurer A Sett to the Chief Justice and each of the Assistant Justices A Sett for the Use of the Courts of Common Pleas and Oyer and Terminer A Sett to the Attorney General A Sett to every Justice of the Peace of this Province that shall qualify and Act as such And to every Field Officer and Captain of the Militia such Laws the Execution of which they are any ways concerned in And that he or his Heirs or Assigns shall also print all Proclamations both singly and in the Publick News Papers of this Province and all other Publick Business that shall be thought necessary to be published by order of the Governor or Commander in Chief for the time being or by order of either of the Houses of the General Assembly. Provided nevertheless

the Words (to be distributed interlined J H— L. J.

Number of Laws to be printed for the uses of the Public Officers of this Province.

AND BE IT ENACTED by the Authority aforesaid That no person or persons shall be intituled to more than one Sett of Laws to be thus given although he be possessed of Two or more Offices And in order to give to the said Printer all possible encouragement to undertake and Prosecute so Laudable and beneficial a design of setting up a Printing Press as aforesaid. Be

the Words (to be thus given) interlined J H— L J.

no Person intitled to more than one sett of Laws, tho' he may hold two or more Offices.

For Printing the Laws of This Province.

said James Johnston authorized to print & Sell all Laws &c for his own Benefit, after delivering the several Setts to the Public Officers before mentiond.

BE IT ENACTED by the Authority aforesaid That the said James Johnston his Heirs and Assigns shall is and are hereby invested with the Sole right of selling all printed Laws for his sole use and Profit after his having delivered the several Copies of such Laws as are herein before directed or shall be further directed by the herein after appointed Commissioners to be distributed and given to any other person or persons who already are or shall hereafter be authorized to put any Law in Execution.

Commissioners appointed.

any four of sed. Commissnrs. deemed a Quorum to put this Act in execution, and are Authorized to correct, or cause to be printed any Law they shall think proper.

AND BE IT ENACTED by the Authority aforesaid That the Honourable James Habersham Noble Jones William Clifton and Gray Elliott Esq[rs] The Honourable Lewis Johnson Esquire Joseph Ottolenghe James Read John Graham and William Ewen Esquires be and are hereby appointed and constituted Commissioners or any ffour of them are hereby declared to be a Quorum to put this Act and every matter and thing therein contained in Execution and shall and are hereby authorized and impowered to revise correct and cause and cause to be printed and published all and every such Laws as they in their Judgment shall think necessary and fit to be published and distributed as herein before directed And the said Commissioners are further impowered directed and required Yearly and every Year if the said James Johnston or his Heirs or Assigns shall have complied and performed such matters and things herein before of him required to do and perform a Certificate under their hands to give thereby certifying of the said Printers having performed as far as 'twas possible

the Commissioners to give sd. Printer every Year a Certificate of his having complied with the sevl. Matters required

possible every such matters and things herein before of him required by this Act to do and perform And if any of the said Commissioners shall refuse to Act die or depart out of this Province then the Governor or Commander in Chief and Council is hereby impowered and authorized to Nominate one or more Commissioner or Commissioners in the room of such Commissioner or Commissioners so refusing dying or departing.

any Commissioners dying &c the Govr. & Council to nominate others—

AND BE IT FURTHER ENACTED by the authority aforesaid That the said James Johnston or His Heirs or Assigns shall not be intituled to any Sum to him or them granted by this Act without ffirst producing to the Governor or Commander in Chief for the time being in Council such a Certificate from the aforesaid Commissioners in manner and form as herein before directed. -

sd. Printer not intitled to sum Granted without producing a Cert. from the Commissioners to the Governor.

BY ORDER of the Commons House of Assembly.

LEWIS JOHNSON Speaker

By Order of the upper House

JAMES HABERSHAM President

Council Chamber 4.th March 1762

Assented to

JA: WRIGHT.

State

(State Archives.)

AN ACT for Building a Church in the Town of Augusta and Repairing the Parsonage House there and for providing a Fund for Building and repairing Churches and Parsonage Houses and fencing in the Cemeterys appertaining thereto in the several Parishes within this Province -

Preamble.

WHEREAS it is highly proper and Necessary that Churches and Parsonage Houses should be erected and Built in the several Parishes within this Province for the due and orderly service and worship of Almighty God and agreeable to the Rites and Ceremonies of the Church of England as by law established AND WHEREAS by An Act of the General Assembly of this province intitled An Act for the better regulating Taverns and Punch Houses and Retailers of Spirituous Liquors, a Tax of three pounds Sterling is laid upon all persons living within the Town and Township of Savannah and Town and Township of Augusta who shall obtain a Licence to keep a Tavern Punch house or to sell or retail any strong Liquors in less Quantity than three Gallons, and a Tax of Two Pounds on every person who shall obtain a Licence as aforesaid living within the district of Augusta and Town and Township of Ebenezer, and a Tax of One pound on every Person who shall obtain Licence as aforesaid living or residing in any part of this Province out of the Limits of the aforesaid Towns and Townships, and a Tax of Ten pounds on every person

person living in any of the said Towns or Townships aforesaid or in any other part of this Province who shall obtain a License to keep any Skittle Alley, Shuffle Board, Billiard Table or any other such gaming place whatsoever the same to be paid at the taking out or renewal of every such Licence and the Produce thereof is applyed to the calling in and sinking the Sum of three hundred pounds directed to be issued by the Commissioners of the General Loan for building or repairing the Parish Church in the Town of Savannah and Parish of Christ Church by Virtue of An Act of the said General Assembly intitled An Act To impower the Commissioners of the General Loan to Stamp imprint sign and pay into the Hands of His Majestys Treasurer the further Sum of Seven hundred and Ninety nine pounds eight Shillings and eleven pence in Sterling Bills of Credit to defray the Expences of Repairing the Church in Savannah for Securing the Light House on Tybee Island and to make good a Deficiency of the last publick Tax destroyed by An accident of Fire AND WHEREAS it appears that the said Sum of three hundred Pounds will by the Produce of the said Tax in less than two Years be wholly sunk and discharged and that the said Tax is fitt and proper to be continued for a Longer Term WE THEREFORE pray your Most Sacred Majesty that it may be enacted AND BE IT ENACTED by His Excellency James Wright Esquire Captain General and Governor in Chief of His Majestys Province of Geor- Enacted.

gia

gia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That the said afore recited Act intitled an Act for the better regulating Taverns and Punch Houses and Retailers of Spirituous Liquors which was to have continued and been of fforce untill the Twenty seventh Day of March in the Year of Our Lord one thousand seven hundred and sixty four for or until the Sum of Three hundred pounds directed to be issued by the Commissioners of the General Loan by Virtue of An Act intitled An Act to Impower the Commissioners of the General Loan to Stamp imprint sign and pay into the Hands of His Majestys Treasurer the further Sum of Seven hundred and Ninety nine pounds eight Shillings and eleven pence in Sterling Bills of Credit and to defray the Expence of repairing the Church in Savannah for building a Publick Magazine in the said Town of Savannah for securing the Light House on Tybee Island and to make good a deficency of the last Publick Tax destroyed by An Accident of Fire should by it be wholly sunk and discharged, be and is hereby continued and made of Force for and during And until the full Space and Term of Seven Years from the passing of this Act and the said recited Act together with every clause Matter and thing therein contained shall and is hereby continued and made of fforce for and during the said Term of Seven Years from the passing of this Act any thing in the said Act contained to the contrary thereof

Act for the better regulating Punch Houses & Taverns, and Retailing spirituous Liquors to continue 7 Years from the Passing this Act

thereof notwithstanding AND BE IT FURTHER ENACTED by the Authority aforesaid that the Annual produce of the Tax imposed by the said recited Act shall be and is hereby appropriated) from and after the said Sum of Three hundred pounds shall be by it wholly sunk and discharged) to and for the building and repairing and Ornamenting Parish Churches and Parsonage Houses and fenceing in Cemetery's in the several Parishes within this Province and shall be issued by Order of the Governor and Council to the several persons who may furnish Materials or have other demands for the said Building Repairing or other Service before mentioned on the Cirtificates of the Church Wardens and Vestry of the several Parishes (excepting the parish of Saint Paul) within this Province and in the following proportion that is to say the annual produce of the said Tax after deducting the Treasurers Commissions on issuing the same in so far as the same shall appear to have arison or accrued from or within the parish of Christ Church to and for the use and purpose of building repairing and Ornamenting the Parish Church and Parsonage House and fenceing in the Cemetery or burying Ground appertaining to the Parish Church in the Parish of Christ Church And the Annuel produce of the said Tax after deducting the Treasurers Commissions for issuing the same in so far as the same shall appear to have arisen or accrued from or within the Parish of Saint Phillip to and for the use and purpose of building repairing and ornamenting the said Parish Church

Produce of this Tax, appropriated (after £300 is sunk for building and repairing Parish Churches, Parsonage Houses &c.

to be issued by order of the Govr. & Council on producing Certs. from the Church Wardens & Vestry to such who have demands—

Annual Produce of the Tax after deducting the Treasurers Commissions to be applied to the buildg & repairing Churches &c in the respective Parishes, in this Province St. Paul's excepted.

and

and Parsonage House and fencing in the Cemetery appertaining to the said Parish Church And the Annual produce of the said Tax after deducting the Treasurers Commissions for issuing the same in so far as the same shall appear to have arisen from or within the Parish of Saint John to and for the use and purpose of building repairing and Ornamenting the said Parish Church and Parsonage House and fencing in the Cemetery appertaining to the said parish Church And the Annuel produce of the said Tax after deducting the Treasurers Commissions for issuing the same in so far as the same shall appear to have arisen from or within the parish of Saint Andrew to and for the use and purpose of building repairing and ornamenting the said Parish Church and Parsonage House and fencing in the Cemetery Appertaining to the said Parish Church And the Annual produce of the said Tax after deducting the Treasurers Commissions for issuing the same in so far as the same shall appear to have arisen from or within the Parish of Saint James to and for the Use and purpose of building repairing and ornamenting the said Parish Church and Parsonage House and fencing in the Cemetery appertaining to the said Parish Church And the Annual produce of the said Tax after deducting the Treasurers Commissions for issuing the same in so far as the same shall appear to have arisen from or within the Parish of Saint Matthew to and for the Use and purpose of building repairing and ornamenting the said Parish Church and Parsonage House and fencing in the Cemetery appertaining to the

the said Parish Church And the Annuel produce of the said Tax after deducting the Treasurers Commissions for issuing the same in so far as the same shall appear to have arisen from or within the Parish of Saint George to and for the Use and Purpose of building repairing and ornamenting the said Parish Church and Parsonage House and fencing in the Cemetery appertaining to the said Parish Church. AND BE IT FURTHER ENACTED by the Authority aforesaid that the Annual produce of the said Tax after deducting the Treasurers Commissions for issuing the same in so far as the same shall appear to have arisen or accrued from or within the parish of Saint Paul shall be to and for the use and purpose of building repairing and ornamenting the Parish Church and Parsonage House and fencing in the Cemetery appertaining to the said Parish Church in the Parish of Saint Paul and shall be issued by Order of the Governor and Council to the several persons who may furnish Materials or have other demands for the said Building repairing or any other Service before mentioned on the Certificate of the Commissioners herein after named and appointed AND BE IT FURTHER ENACTED by the Authority aforesaid that the Minister of the Parish for the time being Edward Barnard John Francis Williams and John Rae Esquires Francis Macartan James Jackson James Paris Robert Crooke and William Irewin be and they are hereby appointed and constituted Commissioners or any four of them are hereby impowered and fully Authorised to agree with

Annual Produce of sd. Tax arrising in the Parish of St. Paul, to be applied in build'g or Repairing the Church, &c in that Parish.

Commissioners Appointed for the Building and repairing the Parish Church, Parsonage House &c in the sd. Parish.

with Workmen and Labourers and to purchase and contract for materials and other necessaries for the building repairing and ornamenting the said Church and Parsonage House and fencing in the Cemetery thereunto appertaining AND for the better keeping the said Church and Parsonage House in constant repair BE IT FURTHER ENACTED by the Authority aforesaid that the Church Wardens and Vestry for the Time being shall be and they are hereby impowered to sell Lease out, or let out to Yearly Rent the Pews or Seats in the said Church at such Rates as shall by them be thought least burthensome to the Inhabitants of the said parish and the Monies arising from the said Pews or Seats in the Church shall be applyed by the Church Wardens and Vestry for the Time being of the said Parish of Saint Paul for the keeping the said Church and Parsonage House in Repair or to procure such Ornaments for the said Church as shall be found necessary AND BE IT FURTHER ENACTED by the Authority aforesaid that if any of the Commissioners herein appointed to carry this Act into Execution shall refuse to Act die or depart this Province before the Duties hereby injoined are compleated The Governor or Commander in Chief for the time being by and with the Advice and consent of the Honourable Council is hereby impowered to appoint any other Commissioner or Commissioners in the place of such Person or Persons so refusing to Act dying or departing this Province AND BE IT FURTHER ENACTED by the Authority aforesaid that the said Commissioners shall lay before

Church Wardens and Vestry impower'd to dispose of the Pews or Seats and the moneys arrising to be applied in keep'g sd. Church &c in repair & procuring Ornaments &c—.

Commissioner's dying or deProvce. the Provce the Govr. & Council to appoint others.

Commissioners to lay their Accounts before ye Assembly when required.

fore the General Assembly a full and just Account of all Monies by them expended for the Purposes aforesaid by Virtue of this Act when thereunto Required—

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly —

LEWIS JOHNSON Speaker

Council Chamber 4th March 1762.

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT

To explain and amend an Act Intituled An Act for the more easy and speedy recovery of small Debts and Damages. -

WHEREAS by An Act passed in the ffourth Session of the second General Assembly of this Province intituled An Act for the more easy and speedy recovery of small Debts and Damages it is Enacted that in case any person or persons shall think him her or themselves agrieved by the decree Preamble

or

or Judgment of the Quarterly or Special Court such person or persons shall be at liberty to enter an Appeal in the said Court at any time before Judgment is signed for any Sum above forty Shillings and not under that sum. — AND WHEREAS doubts have arisen as well concerning the manner of Proceeding upon any such Appeal as to what Court such Appeal shall be made no mention thereof being made in the said Act ffor removing of which We pray your most sacred Majesty that it may be

Enacted.

enacted AND BE IT ENACTED by his Excellency JAMES WRIGHT ESQUIRE Captain General and Governor in Chief of his Majestys Province of Georgia by and with the Advice and Consent of the honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That from and after the passing of this Act if any Person or Persons thinking him her or themselves agrieved by the Verdict Judgment or Decree given in the said Court called the Court of Conscience where the Sum recovered shall exceed fforty Shillings it shall and may be lawful for every such Person and Persons to Appeal from such Verdict Judgment or Decree unto the Justices of his Majestys General Court of Pleas so as such Appeal be made and entered within the Time prescribed by the said Act and Security given to prosecute the same with Effect as therein mentioned And the said General Court of Pleas is hereby Authorized and impowered to receive hear and finally determine every such Appeal upon a review of the Process in the Court of Conscience and the

Persons agrieved by the decree given in the Court of Conscience, for above 40/. may Appeal to the General Court of Pleas.

Appeal to be entered and Security given within the time prescribed.

the depositions of the Witnesses taken thereupon Or otherwise if they shall think fit and expedient to grant a new Tryal of the Cause before them and if upon the hearing of any such Appeal the Verdict or Judgment given in the Court of Conscience shall be confirmed or if upon such new Tryal to be granted a Verdict shall pass in favour of the Appellate or Person or Persons appealed against that then in every such Case the said General Court of Pleas shall Award such Appellate or Appellates his her or their full Costs. —

General Court authorized to Determine all Appeals, or grant a New Tryal

AND WHEREAS by the said Act Commissioned Officers of the Militia and sundry other persons in the said recited Act mentioned are excepted from serving upon Juries at the said Courts of Conscience by which Means that duty falls heavy upon a few persons. BE IT THEREFORE ENACTED by the Authority aforesaid That from and after the passing of this Act all commissioned Officers of the Militia by the said Act exempted as aforesaid shall be and they are hereby made liable to be summoned and serve as Jurors at the said Courts of Conscience on the Tryal of any matter in and by the said Act directed and shall be subject and liable to all ffines and Penalties thereby inflicted on such as shall make default any thing in the said Act contained to the contrary thereof in any wise notwithstanding. . .

Military Officers and ficers and sons who stood excus'd in the Act for serving as Jurors; are hereby made liabel, and on refusal, shall be subject to the same ffines as other defaulters.

AND WHEREAS by the last clause save one of the aforesaid Act it is Enacted That in Case any Action for Debt or Damages shall be Sued for in the General Court of this Province and the real Sum

Sum recovered shall not amount to the Sum of Eight Pounds sterling exclusive of Costs Then and in every such Case the Judges of the said Court shall not allow the Plaintiff any Costs but shall award that the Plaintiff pay Costs to the Defendant. —

AND WHEREAS it often happens that a Plaintiff is under the unavoidable necessity to Sue at the General Court even when certain that the Sum to be recovered will fall short of Eight Pounds Sterling exclusive of Costs and therefore by obliging the Plaintiff always to pay Costs to the Defendant, without distinction made between choice and necessity must if not prevented become grievous and oppressive to the Plaintiffs so suing at the said General Court. —

for all Debts under £8 exclusive of Costs. Upon Oath before the Court. that no other Method could be Obtained to recover their just rights. the Defendant to pay costs.

BE IT THEREFORE ENACTED by the Authority aforesaid That from and after the passing of this Act in Case any Action of Debt or Damage shall be sued for at the General Court of this Province and the real Sum recovered shall not amount to the Sum of Eight Pounds Sterling exclusive of Costs and the Person or Persons so suing at the said General Court upon Oath made before the Judges of the said Court shall make it appear that he she or they had no other method to recover his her or their just due from or to come to a fair Settlement with the person or persons so Sued That then and in every such Case the Judges of the said General Court shall not allow the Defendant any Costs but shall Award that the Defendant shall pay Costs

Costs to the Plaintiff any thing herein or in the aforesaid Law or in any other Law contained to the contrary Notwithstanding. —

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly

LEWIS JOHNSON Speaker

Council Chamber 4.th March 1762

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT

To empower the Surveyors in the Parish of Saint John to laid out a new Publick Road from the Town of Sunbury to join the South West Road near the Plantation of Samuel Hastings and to make the Inhabitants of the Islands to the Southward of Great Ogeechee River liable to work on the Public Roads in their several Parishes and to appoint two Additional Surveyors for the Parish of Saint John. —

WHEREAS by the increase of Inhabitants it becomes

Preamble.

becomes necessary that a Publick Road be laid out from the Town of Sunbury the nearest and most convenient Course to join the South West Road near the Plantation of Samuel Hastings WE therefore pray your most sacred Majesty that it may be Enacted AND BE IT ENACTED by his Excellency

Enacted.

JAMES WRIGHT ESQUIRE Captain General and Governor in Chief in and over this his Majestys Province of Georgia by and with the Advice and consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That the Surveyors in Saint Johns Parish shall have full power and are hereby required as sson as may be convenient to lay out a Publick Road from the Town of Sunbury the nearest and most convenient Course cross Newport River and join the same to the SouthWest Road near the Plantation of Samuel Hastings and the same shall be deemed a Publick Road and made and kept in repair by the joint labour of the Inhabitants of Saint Johns Parish in the way and manner as the Surveyors shall direct. —

Surveyors in St John's Parish authorized to to make a Public Road from Sunbury to Newport.

the same to be kept in repair by the Inhabitants of St. John's Parish

AND WHEREAS the Inhabitants residing on the Islands to the Southward of Great Ogeeche River have not been made liable to work on any Publick Road in this Province BE IT THEREFORE ENACTED by the Authority aforesaid That all the Inhabitants residing on any of the said Islands shall be and they are hereby made liable to work on any of the Publick Roads within their respective Parishes And shall be and they are hereby made

Inhabitants on the Islands Southwd. of Great Ogechee, liable to work on the Public Roads and liable to the ffines as any Inhabitants in the sd. Parishes.

made liable to all such ffines and forfeitures as the other Inhabitants in the said Parishes. —

AND WHEREAS by the Tenth Enacting Clause of An Act intituled An Act for explaining and amending An Act to empower the several Surveyors thereinafter named to lay out Publick Roads in the Province of Georgia IT IS PROVIDED that not more than Seven Surveyors be appointed for any one District AND WHEREAS by the laying out the Road ordered by this Act in the Parish of Saint John the duty will become burdensome to so small a number of Surveyors. —

for laying out the New Road, two more Commissioners are appointed

BE IT FURTHER ENACTED by the Authority aforesaid That Thomas Carter Esquire and Thomas Maxwell be and they are hereby Nominated and Appointed Additional Surveyors to the said Parish and shall have the same powers and be subject to the same Penalties and forfeitures that other Surveyors are in this Province. —

Commissioners Names.

liable to the same Penalties & have the same Powers as other surveyors in this Province.

AND BE IT FURTHER ENACTED by the Authority aforesaid That this Act shall be and continue in force from the passing thereof untill the seventh day of March One thousand seven hundred and Sixty ffour and from thence to the end of the next Sessions of the General Assembly and no longer.

Act to continue till the 7th March 1764 & to the next Sessions of the Genl. Assembly.

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly.—

LEWIS JOHNSON Speaker

Council Chamber 4.th March 1762.

Assented to

JA: WRIGHT.

State

(State Archives.)

AN ACT

for preventing and punishing Vice, Profaneness, and Immorality, and for keeping holy the Lords day, commonly called SUNDAY.

Preamble. WHEREAS there is nothing more acceptable to GOD, than the true and sincere Worship and service of him, according to his holy Will; and that the keeping holy the Lords day, is a principal part of the true service of God, which in this Province is too much neglected by many; WE pray your most Sacred Majesty that it may be Enacted. AND BE IT ENACTED by his Excellency JAMES WRIGHT, ESQUIRE, Captain General and Governor in Chief, in and over his Majestys Province of Georgia, by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met, and by the Authority of the same. That all and every person and persons whatsoever, shall on every Lords day, apply themselves to the observation of the same, by exercising themselves thereon, in the duties of Piety and true Religion publickly or privately, or having no reasonable or lawful excuse, on every Lords day shall resort to their Parish Church, or some meeting or Assembly of Religious Worship, Tolerated and allowed by the Laws of England, and there shall abide, orderly and soberly during the time of prayer and preaching, on pain or forfeiture for every neglect, of the sum of Two shillings and six pence Sterling. —

Enacted.

All Persons to Observe and keep the Lords Day, and frequent some place of Public Worship.

every neglect to be fined 2/.6.—

And

For Punishing Vice, Profaneness and Immorality.

AND BE IT FURTHER ENACTED by the Authority aforesaid That no Tradesman, Artificer, Workman, Labourer, or other person whatsoever, shall do, or exercise, any worldly labour, business, or Work of their ordinary callings, upon the Lords day or any part thereof (works of necessity or Charity only excepted) and that every person, being of the Age of ffifteen Years, or upwards, offending in the Premisses, shall for every such offence forfeit the Sum of ten shillings.—And that no person or persons whatsoever, shall publickly cry, shew forth, or expose to sale, any Wares, Merchandizes, fruit, herbs, Goods or Chattels whatsoever, upon the Lords day or any part thereof, upon pain that every person so offending shall forfeit the same Goods, so cried or shewed forth or exposed to sale, or pay Ten shillings.—

no Tradesmen or others to work on a Sunday at any Business whatever

& all person above 15 years Old to forfeit 10/ for every Offence

no Merchandize or any other Goods to be sold, on pain of forfeiture, or pay 10/.

AND BE IT FURTHER ENACTED by the Authority aforesaid That no Drover, Waggoner, Butcher, Higler, they or any of their Servants, or any other Traveller, or Person whatsoever, shall Travel on the Lords day by Land, neither shall any person or persons whatsoever, Travel on the Lords day by water, in any Barge, Lighter, Wherry boat, Canoe, or Perriagua except it be to the place of Religious Worship, and to return again, or to visit or relieve any sick person or unless the person or persons were belated the Night before, and then to Travel no further than to some convenient Inn or place of Shelter for that day, or upon some extraordinary occasion, for which he she or they shall be

No Person whatever to Travel by Land or Water, except to some Place of Worship or to visit the Sick

allowed

allowed to Travel under the hand of some Justice of the Peace of this Province.

Hunting, Shooting and all kinds of Plays or Games whatever, forbid on forfeiture of 5/ for every offence.

AND BE IT FURTHER ENACTED by the Authority aforesaid That no Publick Sports, or pastimes, as bearbating, bullbating, Foot Ball, Playing Horseracing, Shooting, Hunting of ffishing Interludes or common Plays or other Games exercises, sports, or pastimes whatsoever, shall be used on the Lords day by any person or persons whatsoever, and that all and every person and persons Offending in any of the Premisses shall forfeit for every such offence the sum of ffive shillings sterling. —

No Publick House of Entertainment to be kept open of a Sunday & all Persons found drinking &c to forfeit 5/. and the keeper of such Public House 5/ for every Person and every Offence.

AND BE IT FURTHER ENACTED by the Authority aforesaid That no Vintner, Innholder, or other person, keeping any Publick House of entertainment, shall entertain, or suffer any Person or Persons (except Strangers or Lodgers) in such Houses, or Outhouses, to abide or remain; nor shall they suffer any Person or Persons whatsoever, in their said Houses, Outhouses, Yards, Orchards, or Fields, to abide or remain drinking, or in any manner idly spending their time on the Lords day, upon the Pains and Penalties of ffive shillings for every person offending, payable by themselves respectively, that shall be found so drinking or abiding in any such Publick House, or Dependencies thereof, as aforesaid and the like Sum of ffive shillings to be paid by the keeper of such House, for every person entertained by them. And for the better keeping of good orders on the Lords day.

BE IT FURTHER ENACTED by the Authority

ity aforesaid That the Church Wardens and Constables of each Parish respectively, or any one or more of them, shall once in the forenoon, and once in the afternoon in the time of divine service walk thro' the Town of Savannah, and the respective Towns of this Province, to observe, suppress and apprehend, all offenders whatsoever, contrary to the true intent and meaning of this Act, and they shall have power, and are hereby authorized and impowered, to enter into any Publick House or Tipling house, to search for any such offenders, and in case they are denied Entrance shall have power and are hereby authorized and impowered to break open or cause to be broke open, any of the doors of the said House and enter therein; and all persons whatsoever, are strictly commanded and required to be aiding and assisting to any Constables or other Officers in their Execution of this Act on the Penalty of Ten shillings sterling for every refusal. —

Church-Wardens & Constables to Inspect all Public Houses, twice every Lord's day.

If denied Entrance to break open the doors & all persons commanded to aid & assist on forfeiture of 10/ for every refusal

AND BE IT FURTHER ENACTED by the Authority aforesaid That for the better Execution of all and every the foregoing Orders, every Justice of the Peace within his County or Parish, shall have power and authority to Convene before him any Person or Persons whatsoever, who shall offend in any of the particulars before mentioned, And upon his own View or confession of the Party, or proof of any one or more Witnesses upon Oath, which the said Justices are by this Act authorized to administer, The said Justice or Justices shall give a Warrant under his or their Hand and Seal, to the Constables or Church Wardens, or either or any of

Justices in their respective Parishishes Authorized to call & examine all Offenders & Issue Warrants for apprehend.g or seizing Goods &c expos'd to sale, contrary to this Act

of them of the Parish or Parishes where such offence shall be committed, to seize the said Goods, cried, shewed forth, or put to Sale as aforesaid, and to sell the same; and as to the other penalties and forfeitures to impose the ffine and penalty for the same, and to levy the said forfeitures and penalties, by way of distress, and Sale of Goods, of every such offender, returning the overplus (if any there be) after reasonable Charges allowed for the distress and Sale; And in case of default of such distress or in case of insufficiency or inability of the said Offender, to pay the said forfeitures or Penalties, That then the Party offending, be set publickly in the Stocks for the space of Two Hours, and all and singular the forfeitures or penalties aforesaid shall be employed and converted to the use of the Poor of the Parish where the said Offences shall be committed, and to be delivered into the hands of the Church Wardens or Overseers of the Poor for that end, saving only, that it shall, and may be lawful to, and for any such Justice or Justices out of the said forfeitures or penalties, to reward any person or persons, that shall inform of any offence against this Act, according to his or their discretion, so as such reward exceed not the third part of the forfeitures or penalties. PROVIDED that nothing in this Act contained shall extend to the prohibiting of dressing of meat in Familys, or dressing or selling of Meat in Inns, Victualling Houses, or other publick houses, for such as can not be otherwise provided, nor to the buying or selling of Milk and ffish, before Nine of the Clock

such Goods to be Sold and the fines paid, in default of distress, or inability to pay the fines, the Offenders to be set in the Stocks for 2 hours.

Proviso.

That dressing of Meat in Family's &c. and buying or selling Milk or ffish in morn.g & Evening be not meant to be prohibited by this Act

Clock in the morning, and Milk after four of the Clock in the Afternoon. PROVIDED ALSO that no person or persons, shall be Impeached, Prosecuted, or Molested, for any Offence before mentioned in this Act, unless he or they be prosecuted for the same within ten days after the offence committed. —

Warrants, Writs &c not be executed on the Lords day except in certain matters.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no person or persons, upon the Lords day shall serve or execute, or cause to be served or executed, any Writ, Process, Warrant, Order, Judgment or Decree, except in Cases of Treason, Felony or Breach of the Peace, but that the service of every such Writ, Process, Warrant Order, Judgment, or Decree shall be void to all intents and purposes whatsoever, And the person or persons so serving or executing the same, shall be liable to the Suit of the Party grieved, and to answer damages to him, for the doing thereof, as if he or they had done the same without any Writ, Process, Warrant, Order, Judgment or Decree at all. And in case any person or persons, shall be imprisoned, or detained in custody, by any Writ, Process, Warrant, Order, Judgment, or Decree, so served or executed upon the Lords day, upon Motion, or Petition made to the Chief Justice, or any one of the assistant Justices for the time being, it shall be lawful for the Chief Justice or Assistant Justice or Justices and he or they are hereby authorized and required immediately to order such Person or Persons to be discharged Out of Prison and Custody, and to be clear not only from such Writ, Process

Chief Justice or Assistants may discharge any Persons from any Writ, Warrant &c served on the Lords day.

cess, Warrant, Order, Judgment or Decree so served on the Lords day, but also from all and every other Writs, Process, Warrant, Order, Judgment or Decree served or executed upon any person during the time of the said Persons being imprisoned or detained upon the Account of any such Writ Process Warrant Order Judgment or Decree so served or executed on the Lords day, and such Person shall be allowed by the said Chief Justice or Assistant Justices such reasonable time, as he or they shall think fitting, to return to his home or habitation, free from any Arrest or hindrance whatsoever in civil matters. —

and allow the Party a certain time to return to his home

AND BE IT FURTHER ENACTED by the Authority aforesaid That if any Action, Suit or Information, shall be commenced against any person or persons, for what, he, or they shall do in pursuance or execution of this Act, such person or persons so Sued, may plead the General Issue (Not Guilty) and upon the Issue joined, give this Act, and the special matter in Evidence, And if the Plaintiff, or Prosecutor, shall become Nonsuit or suffer discontinuance, or if a Verdict pass against him, the Defendant or Defendants, shall recover his or their treble Costs, for which he or they shall have the like remedy, as in Case where Costs by Law are given to the Defendant. —

Actions brot against any Person in executing this Act, &c

AND BE IT FURTHER ENACTED by the Authority aforesaid that this Act shall be read Yearly, and every Year, at least ffour times in each Year, before Sermon begins, And every Minister is hereby

This Act to be read 4 times a Year by every Minister in his respective Place of Worship.

hereby required to read the same In his respective Place of divine Worship. —

By Order of the upper House

JAMES HABERSHAM President

BY ORDER of the Commons House of Assembly

LEWIS JOHNSON Speaker

Council Chamber 4.th March 1762.

Assented to

Ja: WRIGHT.

(State Archives.)

AN ACT.

For regulating the Pilotage of Vessels into the several Ports of this Province. —

FORASMUCH as it is highly necessary for the safety of all ships and Vessels bound inward to and outward from the several Ports of this Province that there should be a sufficient number of skilful and able Pilots constituted and appointed for the bringing in and carrying out the same, For the more expeditions and effectual performing of which WE pray your most Sacred Majesty that it may be ENACTED AND BE IT ENACTED by his Excellency

Preamble.

Enacted.

lency JAMES WRIGHT ESQUIRE Captain General and Governor in Chief of his Majestys Province of Georgia by and with the Advice and Consent of his Majestys Honorable Council and the Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That the several Persons hereinafter named be Commissioners for the regulating of Pilots and Pilotage for the Ports herein after mentioned Viz.t For the Bar of Tybee and River of Savannah and for the several Bars and Inlets lying to the Northward of S.t Catherines Bar The Honorable Lewis Johnson Esq.r John Graham James Read Alexander Wylly William Russel and John Morel Esquires and James Graham AND for the Bar of S.t Catherines and River Medway and for the several Bars and Inlets to the Southward of S.t Catherines Bar Francis Arthur and James Fisher Esq.rs James Maxwell Sen.r John Simpson William Swinton John Dunbar and Samuel Miller ffive of each respectively, are hereby declared to be a Quorum and who are hereby impowered to recommend such Person or Persons to be appointed and licensed by the Governor or Commander in Chief for the time being as they shall think to be the most fit and compleat to act as Pilots for the conducting of Vessels inward to and outward from the several Ports for which they shall be licenced during their good behaviour severally and respectively And if there shall happen to be a deficiency of the said Number of Seven Commissioners respectively by death or departure out of this Province the surviving or remaining

Commissioners appointed.

Commissioners named for the Bar of Tybee & Savh River

Comrs. Named for St. Catherines Bar and Medway Rivers, and Inlets &c to the Southwd.

the Words (and licenced) interlined J H— L. J.

Commrs. to recommend proper Persons to the Govr. as they shall think skill'd for such business.

maining Number in such Case shall apply to the Governor or Commander in Chief for the time being who is hereby impowered to appoint a new Commissioner or Commissioners to fill any Vacancy that shall so happen and so on from time to time and at all times hereafter whensoever there shall be a deficiency of the said Number of Seven Commissioners which new Commissioners to be appointed in manner aforesaid shall from time to time and at all times hereafter have the same power priviledges and Authorities with the Commissioners herein before particularly named to all intents and purposes whatsoever. —

In Case of a deficiency of the No. of Commissioners the remainder to apply to the Govr. to appoint others in their stead— who is subject to the same order with the others appointed.

AND BE IT FURTHER ENACTED by the Authority aforesaid That every Pilot or Pilots Warring of this Act no Person shall be intituled to receive any ffee gratuity or reward for the conducting or Piloting any Mercantile or Trading Vessels inwards to or outwards from any of the Ports or Harbours for which a Pilot shall be licenced Unless such Person has a Licence for being a Pilot from the Governor or Commander in Chief for the time being as aforesaid any Law Custom or Usage to the contrary notwithstanding. —

no Person intitled to any ffee or reward for Piloting any Vessell in or out unless he has a Licence for being a Pilot from the Govr.

AND BE IT FURTHER ENACTED by the Authority aforesaid That every Pilot or Pilots Warranted or to be Warranted or Licenced as aforesaid shall enter into Bond in the Secretarys Office of this Province with two or more Sureties in the Penalty of Two Hundred Pounds Sterling to his Majesty and his Successors for the due Execution of their Office

Pilot's Licenced shall Give bond in the Secys. Office for £200 (with 2 or more Sureties) to his Majesty for the due execution of his Office. also take an Oath

Office and shall take and subscribe the following Oath to be Tendered by the said Commissioners or any Quorum of them for the time being before the said Pilot or Pilots shall be Intituled to receive any ffee or reward in that capacity Viz.t I A. B. appointed Pilot for the Port and Harbour of ——— ———do solemnly and sincerely Swear that I will well and faithfully execute and discharge the business and duty of a Pilot in the said Port and Harbour of ——————— according to the best of my Skill and knowledge and that I will at all times (Wind and Weather and Health permitting) use my best endeavours to repair on Board all Ships and Vessels that I shall conceive to be bound for coming into or going out of the said Port or Harbour of ——————— And do further Swear that I will from time to time make the best dispatch in my power to carry safely out or bring over the Bar of ——————— every Ship or Vessel committed to my care and that I will from time to time truly observe fulfil and follow to the best of my Skill Ability and knowledge all such Orders as I shall from time to time receive from the Governor or Commander in Chief for the time being or from the Commissioners or the Major part of them by the consent direction and Approbation of the Governor or Commander in Chief for the time being in all matters and things relating to the business of a Pilot.—

Form of the Oath

AND BE IT FURTHER ENACTED by the Authority aforesaid That if any Ship or Vessel whatsoever or the Cargo and ffreight therein contained

tained shall happen to receive any damage or miscarry or be lost through the neglect insufficiency or default of or in any of the Pilots for any of the said Harbours after such Pilot takes charge of the same the said Pilot shall in such Case on Conviction thereof in any Court of Record in this Province be obliged to answer and make good to the sufferer or sufferers or to the Master of such Ship or Vessel all and every the damages and losses which he or they shall sustain through the said Pilots neglect Insufficiency or default in any manner or wise whatsoever

any Vessell receiving damage or lost, through the neglect of the Pilot after he has taken charge of the same, sd. Pilot on conviction shall make good said damage

AND BE IT FURTHER ENACTED by the Authority aforesaid That in case any dispute complaint or difference shall happen to arise or be made against or between any Master or Pilot for of or concerning the Pilotage of any Ship or Vessel or any other matter incident or relative to the Business or care of a Pilot in any of the said Harbours All such disputes complaints and differences are hereby ordered to be heard and determined by the Commissioners appointed for the Care of the Pilotage where such dispute shall happen who by their decree arbitrament or order shall and may lawfully decide adjust and regulate every such dispute complaint or difference and if either of the said Parties Master or Pilot shall refuse to abide by fulfil or perform the Decree Order or other Adjudication of the said Commissioners who shall hear and determine the same the Party so refusing shall be subject to the Penalty of any Sum not exceeding Twenty Pounds Sterling as the said Commissioners shall

all disputes between Masrs. of Vessells & Pilots, to be determined by the Commissioners.

any Master or Vessells or Pilots refusing to abide or fulfill the decree or order of the said Commissioners after determining the same, shall be liable to the Penalty of 20£ as the sd. Commrs. shall judge expedt.; to be levied by Warrant of distress.

shall think proper to adjudge to be levied by Warrant of Distress under the Hand and Seal of the said Commissioners or any ffive of them against the Goods and Chattels of the Party so refusing and if he has no visible Goods or Chattels then an Attachment shall go in like manner under the Hands and Seals of the said Commissioners against the Person of the Party so refusing who is thereby to be kept in Prison without Bail or Mainprize untill he make full satisfaction for the said Penalty which when paid or levied the Commissioners are hereby required to apply towards the fund for keeping in repair the Light House on Tybee Island But if such forfeiture shall happen at Medway then and in That case such forfeiture shall be paid to the Commissioners appointed to erect a Lookout and Battery on Medway River and shall be applied to the keeping in repairs the said Lookout and Battery.

Such forfeitures to be applied towards keeping in repair the Light House on Tybee Island

if at Medway then the fines to be applied to keeping in repair the Look out & Battery on Medway River.

AND BE IT FURTHER ENACTED by the Authority aforesaid That if any of the Pilots for the Ports aforesaid for the time being shall be found not sufficiently skilled or shall become incapable of acting or shall be negligent or misbehave in his duty then and in such Case The Commissioners for the Port or Harbour for which such Pilot is lycenced shall apply to the Governor or Commander in Chief to annul and revoke the Warrant or Lycence of every such Incapaciated or offending Pilot who shall thenceforth be totally suspended and deemed incapable to receive and take any ffee gratuity or reward for the guiding or Piloting of any Ship or Vessels

Pilots found incapable or negligent or misbehave in his duty, to be totally suspended.

Vessels inward to or outward from any of the said Ports and that a sufficient number of skilful Pilots may not be wanting at any time for the service of the said Ports and Harbours It is hereby ordered and required That upon the death or suspension of any of the said Pilots the Commissioners shall apply to the Governor or Commander in Chief for the time being to issue a new Warrant or Lycence to some other person whom he shall think proper to fill up the Vacancy. —

on death or suspension of Pilots, Commissioners to Apply to the Governor to Issue a new Warrant to some other to fill up the Vacancy.

AND BE IT FURTHER ENACTED by the Authority aforesaid That any Person Master or Commander that shall bring any Ship or Vessel to any of the Bars or the Coast of any of the said Harbours and shall refuse to receive on Board any Warranted or Lycenced Pilot the said Person Master or Commander so refusing and afterwards bringing in the said Ship or Vessel into any of the Ports aforesaid shall and is hereby made liable to To pay the Pilot first offering to come on Board such Ship or Vessel without the Bar to take charge thereof as Pilot the same Rates dues and payments as are hereinafter particularly expressed and provided and to be paid in the same manner as if the said Pilot had actually Piloted the same Ship or Vessel into any of the said Ports or Harbours. . . .

Commanders of Vessell's bringing any Vessell to the Bars or Coast of any Harbours, & refuses to take a Licenced Pilot on board & Afterwds. the Vessell is brot. into any of the Ports in this Province, the Pilot who first offering to come on board without the Barr is intitled to the same dues as if He had Actually brot. her in.

the Word (Pay) interlined J. H— L. J.

AND BE IT FURTHER ENACTED by the Authority aforesaid That the Master or Commander of any Ship or Vessel for the Consideration of the Pilotage of the said Ship or Vessel inward to or outward from any of the Ports or Harbours aforesaid

aforesaid shall pay unto the lycenced Pilot that shall take charge of the same the several Sum or Sums of Money Rates and Prices as in the following Table are appointed as full and ample satisfaction unto the said Pilot for his Care and Charge in the bringing in or carrying out every such Ship or Vessel according to the draught of Water of the said Vessel at the time of the said Pilotage

Rates of Pilotage in, and out, established.

List of ffees.

For Six ffeet of Water	Inwards	or	Outwards	:	11:	0
Seven ffeet	ditto	or	ditto	—	15:	0
Eight ffeet	ditto	or	ditto	—	18:	0
Nine ffeet	ditto	or	ditto	1:	2:	0
Ten ffeet	ditto	or	ditto	1:	5:	0
Eleven ffeet	ditto	or	ditto	1:	9:	0
Twelve ffeet	ditto	or	ditto	1:	15:	0
Twelve feet & half..	ditto	or	ditto	2:	0:	0
Thirteen feet	ditto	or	ditto	2:	5:	0
Thirteen ffeet & half.	ditto	or	ditto	2:	10:	0
Fourteen ffeet	ditto	or	ditto	2:	17:	0
Fourteen ffeet & half	ditto	or	ditto	3:	3:	0
Fifteen ffeet	ditto	or	ditto	3:	10:	0
Sixteen ffeet	ditto	or	ditto	4:	0:	0
Seventeen ffeet	ditto	or	ditto	4:	10:	0

AND as far as may be to prevent and discourage Pilots from neglecting their duty BE IT FURTHER ENACTED AND IT IS HEREBY ENACTED by the Authority aforesaid That if the Master or Commander of any Ship or Vessel coming in or bound to any of the Ports or Harbours in this Province (to whom no licenced Pilot has offered his service at the outside of the Bar) shall bring his Ship or Vessel in over any of the Bars of the same Then and in such case such Master or Commander shall not be lyable to pay more than one Moiety or half of the Rate of ffare before mentioned for the Pilotage of his Vessel which shall be deemed and is hereby declared to be a sufficient reward

Masters of Vessells bringing their Vessls. over the Barr (& no Pilot has been out) shall pay only one half ffees.

ward and gratuity to any such licenced Pilot for conducting the said Vessel up any of the Rivers aforesaid to the Town or Place where such Ship or Vessel is bound to unlade.—

On Notice to the Pilot by a Master that His Vessell is ready to depart and the Pilot refusing to conduct the said Vessell down, shall forfeit one half of the Pilotage fees for the same Vessell.

AND BE IT FURTHER ENACTED by the Authority aforesaid That after any Ship or Vessel is Laden and ready to depart from any of the Ports or Harbours aforesaid and the Master or Commander thereof shall signify to the lycenced Pilot for the said Port or Harbour his desire to depart with his said Vessel the said Pilot neglecting or refusing to conduct the said Vessel away with the utmost dispatch in his power shall for such neglect and refusal forfeit his Right Title Claim and demand in and to one Moiety or half of the Rate or ffare such Master or Commander would be otherwise subject to pay for the Pilotage of his said Vessel any thing in this Act contained to the contrary notwithstanding. —

Persons who are Security for Masters of Vessell's in the Secretary's Office liable to pay the respective Pilots for the Pilotage of such Ship outwd. or Inwd.

Pilots to recover the same by an Act of this Province.

AND BE IT FURTHER ENACTED by the Authority aforesaid That the person or persons who shall be Security in the Secretary's Office of this Province for any Ship or Vessel shall be liable to pay to the Pilot or Pilots severally and respectively the Money due to him or them for the Pilotage of such Ship or Vessel Outward or inward as the same shall happen to be due And that it shall and may be lawful to and for the said Pilot or Pilots to recover the same in such manner as is provided by an Act of this Province ffor the more easy and speedy recovery of small Debts and Damages. —

And

Pilots to see all Vessells safely moor'd, as the Masters or Commrs. desires

AND BE IT FURTHER ENACTED by the Authority aforesaid That all and every Pilot in any of the Harbours aforesaid when he has brought any Ship or Vessel to Anchor in any of the aforesaid Harbours shall and is hereby directed and required to Moor such Ship or Vessel or to give proper advice and direction for the Mooring of the same and for their safe riding at such Moorings if thereunto required by the Master or Commander of such Ship or Vessel.——

Vessells making signals for Pilots, or to any Person for information, & they repair on Board, the Master shall pay such white Person 20/ & if he is required to stay on Board to be allowed 20/ for each two first days and 5/ day after.

AND WHEREAS Ships or other Vessels coming on the Coas and bound to some Port of this Province are often at a loss to know exactly where they are, for the encouraging of Persons to repair on board of them should they make a signal for that purpose. BE IT ENACTED by the Authority aforesaid That if any Master of a Vessel shall take any Instruction or be ascertained of the Spot his Vessel is in by any white Person repairing on Board as above the said Master is hereby made liable to pay to such Person the Sum of Twenty Shillings, and if he shall be required to continue on Board such Vessel he shall over and above the said Sum be paid twenty shillings for each of the two first days and ffive shillings for every day after that he shall remain on Board to be recovered in the same way as ffees for Pilotage from the Master or his Security as is herein before appointed.—Provided he apply for the same before the Ship or Vessel departs the Province but not afterwards. —

to be recovered in the same way as ffees for Pilotage.

Proviso.

such Person apply for the same before the Vessell departs the Province

AND WHEREAS many small Vessels are employed in the Coasting Business from this to the neighbouring

neighbouring Province the Masters and Commanders of which are in General well acquainted with the several Bars and Harbours of this Province and stand in no need of the assistance of Lycenced Pilots. —

Coasting Vessells to pay no Pilotage; unless the master shall require sd. Pilots to conduct his Vessell into, or out of any of the Harbours aforesaid. in that case to be rated as aforesd.

BE IT FURTHER ENACTED by the Authority aforesaid That no Vessel that now is or shall hereafter during the continuance of this Act be established and fixed in the Coasting Trade from this to the Neighbouring Province or from one part to another of this Provinec shall be liable to pay any Pilotage or charge to any lycenced Pilot Unless the Master or Commander of such Coasting Vessel shall require the same licenced Pilot to conduct his said Vessel in to or out from any of the Ports or Harbours aforesaid, in which Case the said Master shall be liable to pay the same ffees and Rates of Pilotage as is herein before directed. —

By Order of the Upper House

JAMES HABERSHAM President

BY ORDER of the Commons House of Assembly.

LEWIS JOHNSON Speaker

Council Chamber 4.th March 1762

Assented to

JA: WRIGHT.

State

(State Archives.)

An act to enable the commissioners appointed by the General Assembly of this province, entitled "An Act for regulating the town of Savannah, and for ascertaining the common thereunto belonging" to alien and convey a certain portion of the said common in exchange for other land to the said common adjoining.

Preamble.

1. WHEREAS in and by an act of the second General Assembly of this province, entitled "An act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging," the said common is ascertained, and declared to be the common property of the lot holders of the said town, and not to be aliened or granted away for any purpose whatsoever, other than by act of the General Assembly: *And whereas* the exchanging a small part of said common, consisting of about fifteen acres, for four garden lots severally joining to other parts of the said common, and to become a part thereof, will not only enlarge the common of said town, but also render it more complete and uniform: *Be it therefore enacted,* That from and after the passing of this act, it shall and may be lawful to and for the commissioners named and appointed in and by the said recited act of the General Assembly, by any fit deed or conveyance in the law, by them or any three of them, to be made and executed, to grant, alien and convey unto his excellency James Wright, esq. or to any person or persons for his use, and to his and their heirs and assigns forever, all that part of the said town-com-

Commissioners of the town authorzed to exchange fifteen acres of the common for four garden lots.

mon on the south-east boundaries of the common of the town of Savannah, adjoining the garden lots number seven, eight, thirteen and fourteen, extending on a direct line twenty-five chains, and course of the garden lots to the eastern road, and from the upper westernmost corner of the late trustees' gardens on a direct line and course of the garden lots aforesaid, fourteen chains to the eastern road, and bounded to the northward by the said trustees' gardens, and particularly described by the letters, A, B, C and D, in the plan hereunto annexed, containing fifteen acres more or less, he the said James Wright first granting and conveying, or causing to be granted and conveyed unto the said commissioners all those four garden lots containing together twenty acres, more or less, situate southward of the said common, and adjoining thereunto, and particularly described in the said plan to this act annexed, by the numbers nineteen, twenty, thirty-one and thirty-two, to hold the same unto the said commissioners and their successors forever, as part and parcel of the common of the said town of Savannah, for the use of the lot holders thereof.

Which property to become the property of Sir James Wright.

2. *And be it further enacted,* That from and after the alienation and exchange respectively made of the said part of the said common herein before described for four garden lots in manner as before mentioned, the said tract of fifteen acres, more or less, described as aforesaid in the said plan by the letters A, B, C and D, shall and is hereby declared to be severed from the said common, and become and continue the absolute property of the said James Wright, or other person, for his use, and his and their heirs or assigns forever.

3.

And the garden lots to be a part of the common.

3. And that the said four garden lots before mentioned and described, shall from thenceforth be and continue as part and parcel of the said common of the town of Savannah, for the use of the lot holders of the said town, to all intents and purposes whatsoever, as any other part of the said common is, according to the true intent and meaning of this act; any thing in the said recited act contained to the contrary notwithstanding.

JAMES HABERSHAM, *President.*

LEWIS JOHNSON, *Speaker.*

JAMES WRIGHT.

March 4, 1762.

(State Archives.)

AN ACT

to prevent Damages which may Arise from Dams or Banks for reserving or stoping of Water

Preamble.

WHEREAS it hath become a Practice for many Persons to make Dams or Banks for reserving or stoping of Water whereby they may sometimes prevent their Neighbours Planting, And at other times let off their reserved Waters at unseasonable Times and Overflow the Lands of their Neighbours to their

their Manifest prejudice TO prevent therefore such Evils WE humbly pray His most Sacred Majesty that it may be Enacted AND BE IT ENACTED by His Excellency JAMES WRIGHT Esquire Governor in Chief, and Captain General in and over this His Majestys province of GEORGIA by and with the Advice and Consent of the Honourable Council and the Commons House of Assembly of this Province in General Assembly met and by the Authority of the same THAT from and after the passing of this Act no Person or Persons whomsoever shall hereafter be permitted or allowed to make or keep up any Dams or Banks to stop the Course of any Waters so as to Overflow the Lands of any other Person, without the Consent of such Person first had and Obtained Nor shall any Person or Persons whoever be hereafter permitted or allowed to let off any reserved Water so as to injure the Crops upon the Grounds of other Persons .....

Enacted.

That no reserve of Water or dams be made to the prejudice of other Persons, without Consent of the Person liable to be prejudiced thereby—

AND BE IT ENACTED by the Authority aforesaid that in Case any Person or Persons whosoever shall make or keep up any such Dams or Banks to the Injury of any other Person as aforesaid upon Complaint thereof made by the Party injured to any Justice of the Peace for the District where the Offence shall be Committed such Justice shall be and he is hereby fully impowered Authorized and Required to summon three Freeholders of the Parish or Neighbourhood one of whom shall be named by the said Justice And one by each of the Parties and such Freeholders being first Sworn before such Justice to determine the matter Justly and impartially

on Complaint made that injury is sustained by any Dams. A Justice to summon 3 ffreeholders to examine the same.

One freeholder to be Named by the Justice & One by each Party

impartially shall forthwith proceed to view the said Banks and Dams and the Damage complained off and immediately Certify the Matter as they shall find it under their Hands to the said Justice and in Case an Award shall be given in ffavour of the Complainant the said Justice shall immediately make an Order to Cut open the Bank or Dam in such manner as to prevent any farther Damage the expence whereof and all other Charges attending the Prosecution to be paid by the Offender-

If determin'd in favour of Complainant, the Dam to be Cut open.

AND BE IT FURTHER ENACTED by the Authority aforesaid that in Case any Damage shall have been already sustained by the Complainant either by such Dams or Banks being kept up, or by letting off any reserved Waters the said Freeholders shall upon View thereof Ascertain and Certify the same under their Hands to the said Justice which Damages so Ascertained the Offender shall immediately pay and satisfy to the party grived And in Case of neglect or refusal so to do in Ten days the said Damages if it do's not exceed the Sum of Eight pounds shall and may be recovered in the same way as Debts or Damages are directed to be recovered and levied by the Act Intitled AN ACT for the more easy and speedy recovery of small Debts and Damages And in Case the said ffreeholders shall be of Opinion that such Damages shall exceed the sum of Eight pounds then such Damage shall and may be recovered in any Court of Record in this Province in the Usual Manner. PROVIDED ALWAYS that nothing in this Act shall extend or be Construed to extend to subject any Person who shall

damages sustain'd by dams or letting off reserved Water, to be ascertain'd by said freeholders, & the party aggrieved to recover the same

Proviso.

shall have made, or shall make any Banks or Dams to reserve or Stop Water to pay. any Damages which may be sustained by the breaking the said Banks or Dams when occasioned by violent Rains and Floods, in Case such Rains or Floods by the Judgment of the Freeholders aforesaid would have caused such Damage had there been no Banks or Dams made otherways the Damage to be awarded and made good as aforesaid any thing herein Contained to the Contrary notwithstanding And in Case any Freeholders shall Neglect or Refuse to Obey the Summons of the Justice or any other Matter herein directed. such Freeholder shall (Unless he can make a Reasonable Excuse) fforfeit the Sum of ffive pounds to be sued for and Recovered in the same way as Debts are directed to be recovered by the Act Intituled AN ACT for the more easy and speedy Recovery of small Debts and Damages and to be applyed the one half to the Informer and the other half to His Majesty's Use to be disposed of by the General Assembly—

ffreeholders to be allow'd 5/ for each days attendance

AND BE IT FURTHER ENACTED by the Authority aforesaid, That this Act and every Matter be allowed for their Trouble herein the Sum of ffive Shillings for each Days attendance on the same to be paid by the Party Offending.

Persons sued in pursuance of this Act, to plead the Genl. Issue.

AND BE IT FURTHER ENACTED by the Authority aforesaid That in Case any Person or Persons whoever shall be sued or impleaded for any Act Matter or Thing committed or done in pursuance of the Directions of this Act it shall and may be

be lawful for such Person and Persons to plead the General Issue and to give this Act and the Special Matter in Evidence and in Case the Plaintiff shall become Non suit suffer a Discontinuance or a Verdict shall pass against him the Deffendant shall be allowed treble Cost of Suit—

AND BE IT FURTHER ENACTED by the Authority aforesaid That this Act and every matter and Thing therein contained shall Continue and
continuation be in fforce for the Space of three Years from the Time of passing thereof and from thence to the End of the next Session of the General Assembly and no longer —

By Order of the Upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly,

LEWIS JOHNSON Speaker

SAVANNAH,

In the Council Chamber,

April the 7.th 1763,

Assented to,

JA: WRIGHT.

State

For Preventing Fraudulent Mortgages and Conveyances.

(State Archives.)

AN ACT for preventing fraudulent Mortgages and Conveyances and for making valid all Deeds and Conveyances heretofore made in Respect to any Defect in the Form and Manner of making thereof-

Preamble.

WHEREAS the registring of all Deeds and Conveyances of Lands Tenements Negroes and other Chattels will tend to the securing the Titles of the Proprietors, and will prevent Frauds being committed by evil disposed and necessitous Persons who borrow Money on Security of their Lands and Negroes before under Mortgage to others without acquainting the Lenders thereof; or otherwise for valuable Consideration sell and convey their Lands before disposed of, to the great Injury and Loss of such second Mortgagees and Purchasers WE therefore pray your most sacred Majesty that it may be enacted AND BE IT ENACTED by his Excellency JAMES WRIGHT Esquire Captain-general and Governour in chief in and over his Majesty's Province of Georgia by and with the Advice and Consent of the honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same That from and after the passing of this Act All and every Deed and Deeds of Sale Mortgage or Conveyance of any Lands Tenements Negroes or other Goods and Chattels within this Province which shall be first registred and recorded in the Secretary's Office shall be deemed held and taken

Enacted.

Conveyances deeds &c first recorded in the Secretary's Office to be deemed Valid in all Courts

taken as the first Deed or Deeds of Sale Mortgage or Conveyance and as such shall be allowed adjudged and held valid in all Courts of Judicature within this Province any former or other Sale Mortgage or Conveyance being of the same Lands Tenements Negroes or other Goods and Chattels and not recorded in the said Office notwithstanding-

Proviso.

PROVIDED always and be it further Enacted by the Authority aforesaid that nevertheless if it shall so happen there be more than one Mortgage at the same Time made by any Person or Persons to any Person or Persons of the same Lands and Tenements Negroes Goods or Chattels the several late or under Mortgagees who shall have registered Executors Administrators or Assigns shall have or recorded their Mortgages his her or their Heirs Power to redeem any former Mortgage or Mortgages registred and recorded as aforesaid upon Payment of the principal Debt, Interest and Costs of Suit to the prior Mortgagee or Mortgagees his her or their Heirs Executors Administrators or Assigns any Thing contained to the contrary thereof in any wise notwithstanding: And all and every Person and Persons who shall mortgage the same Lands Tenements Negroes Goods or Chattels a second Time the former Mortgage thereof being in Force and not discharged and shall not discover to the second Mortgagee the former Mortgage in writing under his or their Hands shall have no Relief, Power or Liberty of Redemption whatsoever in Equity or otherwise of and in the said after Mortgage or Mortgages. -

Provided

PROVIDED also AND BE IT FURTHER ENACTED that nothing in this Act contained shall be construed deemed or extended to bar any Widow of any Mortgager of Lands or Tenements from her Dower and Right in and to the said Lands and Tenements who did not legally join with her Husband in such Mortgage or otherwise lawfully bar or exclude herself from such her Dower or Right— Proviso

AND TO THE END that no Person may hereafter suffer any Inconvenience by registring their Title Deeds by exposing the Defects thereof IT IS HEREBY FURTHER ENACTED and declared that no Deed of Feofment Bargain and Sale, Deed of Gift or other Conveyance of any Lands or Tenements whatsoever heretofore made shall be impeached or set aside in any Courts of Law or Equity for want of Attornment, or Livery and Seisin, or Inrolment, or for that such Conveyance hath been made by way of Assignment or Indorsement or any other Deed or Conveyance without other Ceremony, nor for any other Defect in the Form or in the Manner of the Execution of any such Deeds or Conveyances, or of the Indorsements or Assignments thereof, either in the first Deed or in any of the mesne Conveyances derived therefrom So that the Right were and would have been in the Person or Persons conveying if such Defects had not happened in the Form of such Deeds or Conveyances or in the Manner of the Execution of the same as aforesaid — that no conveyance heretofore made of any Lands &c shall be impeach'd or set aside for want of attornment &c not for any defect in the form of executing the same

And

continuation of this Act

AND BE IT ENACTED that this Act shall continue and be in Force for the Term of two Years from the passing hereof and from thence unto the End of the next Session of the general Assembly of this Province and no longer-

By Order of the Commons House.

LEWIS JOHNSON Speaker

By Order of the Upper House,

JAMES HABERSHAM Sec^{y}.

Savannah In the Council Chamber
7.th Aprile 1763

Assented to

JA: WRIGHT.

(State Archives.)

AN ORDINANCE

Appointing the Honourable William Knox Esquire Agent to Sollicit the Affairs of this Province in Great Britain

WHEREAS there are many important Affairs necessary to be represented sollicited and transacted in Great Britain which can not be so effectually done as by appointing an Agent AND WHEREAS the General

For Appointing Agent to Solicit Affairs.

General Assembly of this Province have thought the Honourable William Knox Esquire a proper person to be appointed for the purposes aforesaid BE IT THEREFORE ORDAINED and it is hereby ORDAINED by His Excellency JAMES WRIGHT Esquire Captain General and Commander in Chief of the Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That the said William Knox be and he is hereby declared nominated and Appointed Agent to represent sollicit and transact the Affairs of this Province in Great Britain AND BE IT FURTHER ORDAINED by the Authority aforesaid that the said William Knox shall be and he is hereby fully authorized and impowered to follow and Pursue all such Instructions as he shall from Time to Time Receive from the General Assembly of this Province of from the Committee herein after appointed to correspond with him AND BE IT FURTHER ORDAINED by the Authority aforesaid that the Honourable James Habersham Noble Jones James Edward Powell William Clifton and Grey Elliott Esquires of his Majestys Council for the Time being The Honourable the Speaker of the Commons House of Assembly for the Time being Joseph Ottolenghe John Milledge Noble Wimberly Jones Lachlan McGillivray William Ewen and James Read Esquires, so long as they shall Continue Members of the Commons House of Assembly or any seven of them (Two of which to be of the

the Council) shall be and they are hereby nominated and appointed a Committee to correspond with the said William Knox and give him such Orders and Instructions from Time to Time as they shall Judge to be for the service of this Province—

AND BE IT FURTHER ORDAINED by the Authority aforesaid that there shall be allowed and paid unto the said William Knox for his Agency, the Sum of One hundred Pounds Sterling Money of Great Britain over and above his reasonable Charges and Disbursements on his Application to the several Offices and Boards in Negotiating the Affairs of this Province—

AND BE IT FURTHER ORDAINED by the Authority aforesaid that the said William Knox shall be and Continue Agent for this Province for one whole Year to commence the first Day of May which will be in the Year of Our Lord one thousand seven hundred and Sixty three-

By Order of the Upper House,

JAMES HABERSHAM President.

By order of the Commons House of Assembly.

LEWIS JOHNSON Speaker

SAVANNAH,

In the Council Chamber,
April 7, 1763.

Assented to,

JA: WRIGHT.

State

For Holding Special or Extraordinary Courts of Common Pleas.

(State Archives.)

AN ACT

For holding Special or extraordinary Courts of Common Pleas, for the Trial of Causes, arising between Merchants, Dealers and others, and Shipmasters Supercargoes and other Transient Persons, —

Preamble

WHEREAS Disputes and Differences frequently arise, and happen between Merchants Dealers and others and Shipmasters Supercargoes and other Transient Persons, trading to and having commercial Concerns in this Province, which can not be determined by Legal Process, without obliging such Transient Persons to wait the Usual Time, of holding the General Court of Pleas, and the ordinary Forms of proceeding therein, and thereby causing great Charge and expence to such Masters Supercargoes and other Transient Persons, by detaining their Vessels in Port when ready for Sailing, and otherwise Damnifying them to the great hinderance and disadvantage of Foreign Commerce, for remedy whereof WE pray your most Sacred Majesty, THAT it may be ENACTED AND BE IT ENACTED by his Excellency James Wright Esquire, Captain general and Governor in Chief, in and over his Majesty's Province of Georgia, by and with the Advice and Consent of the Honourable Council, and Commons House of Assembly of the said Province, in general Assembly met, and by the Authority of the same THAT it shall and may be Lawfull for

Enacted

for the Chief Justice, and in his Absence for either of the Justices of the General Court of Pleas, At any time after the passing of this Act, upon Petition to either of them made by any Shipmaster Supercargoe or other Transient Person or Persons, who shall have any dispute or Difference with any Merchant Dealer or other Person or Persons, touching any Contract Agreement Sale Promise Debt or Demand whatsoever made or arising within this Province, during the Continuance therein, of such Transient Person or Persons, and not otherwise, setting forth in such Petition, the Nature of his, her, or their Case, and at the same Time making Oath that he she or they can not without great Inconvenience and Damage to him her or them, wait the Determination of such Matter in Difference by the ordinary and usual Course of Proceeding, in the said Court to Order and the said Chief Justice and Justices are hereby required, and directed to order and appoint a special or extraordinary Court, to be held within seven Days after the preferring of such Petition for the Tryal of any such Cause or Matter in Difference: —

Transient Persons upon petition to the Chief Justice or Justices of the Court of Common Pleas may obtain a Special Court.

Chief Justice or Justices to Order Special Courts. within 7 days after Petition Preferr'd

AND BE IT FURTHER ENACTED, that immediately after the Appointment of such Court, the Plaintiff or Plaintiffs in the Cause shall forthwith sue out his her or their Writ, and affile his her or their Declaration thereon with a Copy of his her or their Account or other Demand to which the Defendant or Defendants shall appear immediate, and Plead to issue without delay, in default whereof, Judgment to be entred for the Plaintiff or Plaintiffs

Plaintiff immediately after Court appointed to sue out Writ &c &c

Defendt. forthwith to appear & Plead to Issue or Judgmt. for Plaintiff

tiffs, and there upon a Special Jury of Merchants or other fit Persons for Tryal of the said Matter or Assessing the Damages in Case of Judgment by Default, shall be nominated and Struck before one of the Judges of the said General Court, or the Clerk Of the Pleas in like manner as Special Jury's are struck in the Courts of Westminster Hall, every such Jury nominated to consist of Thirty Persons; out of which each party shall have Liberty to strike Six, and the remaining Eighteen shall be impanneled to try such Cause And the Jurors so named and struck shall accordingly be Summoned by the Provost Marshal, to appear; at the said special Court, a Venire Facias being issued for this Purpose —

a Jury of Merchts. &c to be struck.

such jury to consist of 30. each party may strike out 6, & remainder impannel'd

AND BE IT FURTHER ENACTED, that if any Person summoned on such special Jury shall not appear, or on appearance shall refuse to be Sworn, that then it shall and may be lawfull for the said Court to fine every such Juror in a Sum not exceeding Four Pounds, and each of the Jurors sworn on such Tryal shall be paid by the Party prevailing five shillings which shall be allowed him in Costs, Provided always that in Case a Sufficient Number of Jurors shall not appear for the Trial of such Cause, That then it shall and may be Lawfull for the Court to order the deficiency to be made up from any Person then present in Court, or in Savannah, as they shall Judge fit, who shall thereupon be sworn on such Jury and in case of refusal shall and may be fined as hereinbefore mentioned.

Penalty on Jurors not appearing or appearing and refusing to be Sworn.

Jurors sworn to be pd. 5/ each.

Proviso

And

no Judgment or execution to be, until 3 day after Tryal.

AND BE IT FURTHER ENACTED, That no final Judgment shall be entered or Execution issued, until the Third Day, inclusive from the Day of Tryal and such Court shall be adjourned accordingly, That the Party against whom a Verdict shall be given may be at Liberty, to move in arrest of Judgment, or to appeal therefrom, if he she or they, shall think fit: —

any Suit commenc'd against any Ship Master &c whilst in the Province the Chief Justice &c may appoint a Special Court

AND BE IT FURTHER ENACTED, That where any Suit, or Action in the general Court of Pleas shall be commenced, against any Shipmaster Supercargoe or other Transient Person or Persons, for any Matter arising during his her or their Continuance in this Province, as aforesaid, it shall and may be Lawfull for the Chief Justice, or either of the Justices as aforesaid, and they are hereby required on Petition and Affidavit as aforesaid, to order and appoint a Special Court for the Tryal and Determination of such Suit in like manner as herein before is provided.

continuation

AND BE IT FURTHER ENACTED by the Authority aforesaid That this Act and every Matter and thing herein contained, shall Continue and be of Force, for the Space of Three Years from the Time of the Passing hereof, and from thence to the end of the then next Session, of the General Assembly, and no longer.

By Order of the Upper House,

JAMES HABERSHAM President

By

By Order of the Commons House of Assembly,

LEWIS JOHNSON Speaker

SAVANNAH,

In the Council Chamber,
April the 7.th 1763,

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT

to prevent the bringing into and spreading of Contagious Distempers in this Province and to Oblige Vessels going out of any Port within the same first to produce for that Purpose a Passport from the Governor or Commander in Chief for the Time being And also to prevent the Harbouring of sick Sailors and others-

WHEREAS it is of the Utmost Importance to the Health of the Inhabitants of this Province that proper Means should be used to prevent the bringing in and spreading contagious and epidemical Distempers within the same WE therefore must humbly pray your Sacred Majesty that it may be enacted AND BE IT ENACTED by His Excellency JAMES WRIGHT Esquire Captain General and

Preamble

Enacted

and Governor in Chief of the province of Georgia by and with the Advice and Consent of the Honorable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same THAT from and after the passing of this Act the Pilot or Pilots belonging to this Province do and shall upon his or their entring on Board any Ship or Vessel designed for this Province make strict Inquiry of every Master or Commander of the same whether any Plague malignant Fever small pox or other contagious Distemper be on Board such Ship or Vessel and every Master or Commander is hereby Obliged without Equivocation or Reserve to give true and faithful Answers to all Inquiries of the said pilots concerning the same-

Pilots to make strict enquiry if and Contagious distemper be on Board any Vessel on their Arrival.

AND BE IT ENACTED by the Authority aforesaid that the said Pilot or Pilots having duly made the Inquiries aforesaid shall Order or bring too such Ship or Vessel if Bound for the Port of Savannah at a Convenient place within the Command of the Guns of Fort GEORGE on the Island Cockspur in Savannah River until a Signal be made by the Commanding Officer of the said ffort for such Ship or Vessel to pass And if Bound for the Port of Sunbury such Ship or Vessel shall be Ordered or brought to at some convenient place within the Command of the Guns of the Battery now Erected or Erecting at Medway within the said Province until a Signal be made by the Commanding Officer of the said Battery for such Ship or Vessel to pass And the Master or Commander of such Ship or Vessel

all Vessels bound to Savannah to bring too, Off the Fort till a Signal be given for her to pass

Vessels bound to Sunbury to bring too, Off the Battery till a Signal be given her to pass

Vessel so brought to as aforesaid shall forthwith Repair to such ffort or Battery as the Case may be and there make Oath or if a Quaker affirm before the Commander of the said ffort or Battery respecting the Health of the said Vessels Crew and of all persons as well Passengers as Negroes on Board the same And in Case of the Incapacity of the Master or Commander so to do that then the Doctor if any do belong to the said Vessel with another Officer, or an Officer and Common Sailor if there be no Doctor shall repair to the Commanding Officer of such ffort or Battery and Answer the following Questions on Oath or Affirmation that is to say, Whether the place from Whence the Vessel came last was healthy: Whether all the persons Passengers and Negroes Imported in the said Vessel are in Health and free from Small Pox, Plague, Fevers and all other Malignant Distempers Whether any died in the Voyage; of what Distempers; And how long since, Which said Oath or Affirmation the Commanding Officers of the said ffort and Battery respectively are hereby required and Authorized to Administer and take accordingly and to receive from the Master or Commander of any such Ship or Vessel on Sailing the following ffee for their Trouble in Administering the Oath or taking the Affirmation aforesaid Viz[t] for every Ship, Snow or Brigantine the sum of Three shillings Sterling And for every Sloop or Schooner (Coasting Schooners belonging to this Province excepted) the sum of two Shillings and sixpence Sterling —

Captains or Commandg. Officers, of all Vessel's to make Oath before the Commanding Officer of the Fort or Battery of the Health of their Vessel's Crew &c

Officers ffees for administering such Oath or Affirmation

AND BE IT FURTHER ENACTED, by the Authority aforesaid that if the Commanding Officer

On the Officer's receiving a Satisfactory Accot. Are to permit Vessels to pass.

cer of ffort George on Cockspur Island or of the Battery of Medway shall be satisfied that the said Vessels Crew Passengers and Negroes are in a Good State of Health then he shall permit and suffer the Vessel to come up before the Town of Savannah or Sunbury as the Case may be and the Master or Commander of such Ship or Vessel if at Savannah shall immediately attend his Excellency the Governor or the Commander in Chief of the said province for the Time being And if at Sunbury shall forthwith attend the Collector and Naval Officer there: and Answer all such Questions as the said Governor or Commander in Chief, or the Collector and Naval Officer shall think fit to Ask relating to the Matter aforesaid the Answers to which (on Oath or Affirmation being satisfactory, the said Ship or Vessel shall be permitted to enter at the several Offices of the Customs and to Trade according to Law And the Collector and Naval Officer of the said Port, of Sunbury for the Time being are hereby impowered to Act accordingly in the Premisses they transmitting an Account of their proceedings from Time to Time to the Governor or Commander in Chief of the said Province —

Captains of Vessel's to wait on the Govr. Immediately on their Arrival at Savannah

at Sunbury all Captains to wait on the Collector and Naval Officer, who are to transmit their proceedings to the Governor.

Masters of Vessel's refusing to Answer the Questions before Mention'd to forfeit £100 Sterling.

AND BE IT FURTHER ENACTED by the Authority aforesaid that if the Master or Commander of any Ship or Vessel refuse to be sworn or to Affirm to Answer the several Matters herein before set forth such Master or Commander shall forfeit and pay the Sum of One hundred Pounds Sterling to be recovered and applyed as herein after mentioned

And

To Prevent Spreading of Contagious Distempers and Harbouring Sick.

AND BE IT ENACTED by the Authority aforesaid That if it anywise appears such Ship or Vessel is infected with any Malignant infectious or epidemical Distemper Then such Ship or Vessel shall be Obliged and Compelled to perform Quarentine in such place after such Manner for such Time and under such penalties as are particularly directed prescribed and Inflicted in and by An Act passed in the fourth Session of the Second General Assembly of this Province Intituled An Act to Oblige Ships and other Vessels coming from places infected with Epidemical Distempers to perform Quarentine and the Commander of such ffort or Battery shall forthwith send Notice to the Governor or Commander in Chief or to the Collector and Naval Officer as the Case may be of the Arrival of such distempered Ship or Vessel or any Ship or Vessel come from any place Infected with any Contagious Distemper And on such Notice being given a Doctor shall be Ordered to Visit such Ship or Vessel and report the State and Condition of Health of the said Vessel And the said Doctor for such his Visit shall be paid by the Master or Commander of the said Vessel the sum of Thirty shillings Sterling and the Expence of Boat hire if any —

Vessel's with any epedemical Distempers on board to perform Quarantine

Commander of Fort or Battery to give notice of the arrival of any distemper'd Vessel

A Doctor to Visit such Vessel & report the same.

Docters ffees

AND BE IT FURTHER ENACTED by the Authority aforesaid that if the Master or Commander Docter Officer or Common Sailor of any Ship or Vessel shall be found to have Given a false Account of the State of the Health of the said Vessels Crew Passengers or Negroes or any of them on Board the same they and every of them shall be liable

Persons on board any distemper'd Vessel giving a false Account to forfeit £100 Sterling

how sd. ffines to be applied

liable to forfeit and pay One hundred pounds Sterling to be recovered by Bill Plaint or Information in his Majestys General Court of Pleas in this Province, and to be to his Majesty his Heirs and Successors for the Building and keeping in Repair of a Pest House

Vessel's Coming in without a Pilot to be stopt 'till the Commanding Officer is Satisfied of the health of sd. Vessel

AND BE IT FURTHER ENACTED by the Authority aforesaid that if it shall happen that any Ship or Vessel shall come into either of the Ports of this Province not having any Pilot on Board then the Commanding Officer of the said Fort or Battery as the Case may happen is hereby fully impowered to stop such Vessel and Oblige the Master or Commander thereof to come on Shore at the said ffort or Battery and give An Account of the State of Health of the said Vessels Crew in Manner as herein before directed And in Case such Master or Commander shall Refuse so to do he shall be liable to the Penalty by this Act inflicted on Masters of Vessels refusing to be Sworn or to Affirm as the Case may be to be recovered and Applyed in the same Manner. AND BE IT FURTHER ENACTED by the Authority aforesaid that if the Master or Commander of any Ship or Vessel coming into any of the ports or Harbours aforesaid shall Attempt to pass by the said ffort or Battery without a Signal of leave for that purpose being first made by the Commanding Officer of the said ffort or Battery and the Commanding Officer shall Order any Shot to be fired at the said Ship or Vessel to prevent her passing as aforesaid the Master or Commander of every such Ship or Vessel shall be

on refusal to be sworn liable to the Penalties aforesaid.

on any Vessel's attempt to pass without a signal or leave, to pay for every shot after the first

be and he is hereby made liable to pay for every Shot after the first so fired the following Sums of Money Viz[t] for the Second Shot six Shillings and eight pence Sterling and for every other Shot thirteen Shillings and four pence to go to the replacing of the Powder and Ball expended and the Surplus if any to be to the Commanding Officer of the said ffort or Battery for the Time being as a Reward for his Care in discharging the Duties imposed upon him by this Act. AND BE IT FURTHER ENACTED by the Authority aforesaid that no Ship or other Vessel sailing from any of the said ports of this Province shall be suffered to pass the said ffort at Cockspur or Battery at Medway without producing to the Commanding Officer their Licence permit or Passport for that Purpose under the Hand and Seal of the Governor or Commander in Chief for the Time being AND BE IT FURTHER ENACTED by the Authority aforesaid that in Case the said Pilot or Pilots belonging to this Province or the Commanding Officers of the ffort and Battery shall Refuse or Neglect to do and perform the several Duties herein required of them respectively they and each of them shall for every such Neglect or Refusal forfeit and pay the sum of One hundred pounds Sterling to be recovered and Applyed as aforesaid — AND WHEREAS the Harbouring and entertaining of Sick Sailors and others put on Shore either from private Ships of War or Merchant Vessels is likely to become a Burthen and Expence upon the Province aforesaid For Remedy whereof be it ENACTED by the Authority aforesaid That the Church Wardens and Vestry of the Parish

no Vessel to pass, without Producing the Governors passport.

Pilots, or Commanding Officers of the Fort or Battery refusing or Neglecting to perform the dutys required to forfeit £100 Stg.

Church Wardens &c to procure a Convenient Lodging for Sick Sailors & the Masters of the Vessel they respectively belong to, to defray the expences that may accrue.

Parish where such Sick Sailor or other Sick Person so put on Shore shall happen to be, shall procure or hire some Convenient House or Lodging for such sick Sailor or other Persons and the Necessary and Reasonable Charges and Expences of all such Sick Sailors or other persons belonging to any Merchant Vessel shall be paid and defrayed by the Master or Commander of such Ships respectively for which they are hereby required to give Sufficient Security in the Secretarys Office in the Sum of Twenty pounds Sterling to be included in the Bond directed to be entered into by Masters of Vessels, upon their Arrival into this province by Virtue of An Act Intitled An Act to prevent Masters of Vessels from carrying off Persons in Debt from this province And in Case they shall Neglect or Refuse to pay the same that then the Church Wardens of such parish for the Time being shall have power and they are hereby impowered to sue for and recover the same from all such Masters or Commanders or in their Absence from all such persons as have become Security for such Ship or Ships, Vessel or Vessels respectively in the Secretarys Office which persons so being Security in the Secretarys Office are hereby declared to be subject and liable to pay the same in Case of Refusal or Neglect of the Masters or Commanders as aforesaid And all the Necessary and Reasonable Charges and Expence that shall accrue by Means of any Seamen Mariner or other person who shall be sent Sick on Shore from any private Ships or Vessels of War shall be paid and defrayed by the several Captains Masters or Commanders of such Ships or Vessels of War respectively

Masters of Vessel's to give Bond in Secys. Office in the sum of £20 Stg. for paymt. of Any such expence with Sufficient security

security's liable to pay the same, on neglect or refusal of Masters of Vessel's

Captains of Ships War to give Security to the Church Wardens for payment of such expences.

spectively And to prevent as much as may be any Disputes or Cavils that may arise hereupon the said Captains Masters or Commanders of such Vessels of War shall give Security to the Church Wardens for the payment of all such Necessary Charges and Expences—

Housekeepers to give notice to the Church Wardens of any sick Sailors on Neglect Are liable to pay all expences.

AND BE IT FURTHER ENACTED by the Authority aforesaid That every House keeper in the Province with whom any Seaman shall be taken Sick shall give immediate Notice thereof to the Church Wardens of the parish where such Sick Seaman shall happen to be And every House keeper who shall fail or Neglect to give such early Notice as aforesaid shall be and they are hereby made liable to the whole expence attending the Maintenance and Cure of the said Sick Person or Persons-

Master's of Vessels suffering sick seamen to be put on Shore, contrary to this Act to forfeit £20 Stg.

AND BE IT FURTHER ENACTED by the Authority aforesaid that all and every the Commanders of private Ships or Vessels of War or Merchant Vessels who shall permit or suffer any of their Sick Seamen or others to be put on Short contrary to the Regulations of this Act shall for such Offence forfeit the Sum of Twenty pounds Sterling to be recovered from the said Master or Commander and applyed as aforesaid AND BE IT FURTHER ENACTED by the Authority aforesaid that in Case the said Church Wardens or any other person shall be sued or prosecuted for any Matter or thing to be done in pursuance of the Directions of this Act it shall and may be lawful to and for such Church Wardens or other person to plead

Persons prosecuted &c by putting this Act in Execution to plead Genl. issue.

continuation

plead the General Issue and give this Act and the Special Matter in Evidence AND BE IT FURTHER ENACTED by the Authority aforesaid that this Act and every Matter and Thing herein Contained shall be and Continue in fforce for and during the Term of three Years and from thence to the End of the then next Session, of the General Assembly, and no longer-

By Order of the Upper House,

JAMES HABERSHAM President

By Order of the Commons House of Assembly,

LEWIS JOHNSON Speaker

SAVANNAH,

In the Council Chamber,

April the 7.th 1763;

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT

To prevent Persons, throwing Ballast, or Rubbish, or Falling Trees into the Rivers, and Navigable

For Keeping Clear the Channels of Navigable Creeks.

Navigable Creeks, within this Province, and for keeping clear the Channels of the same,

Preamble.

WHEREAS, the keeping clear the Rivers and Navigable Creeks, in this Province, is of the utmost Consequence to the Trade thereof, We therefore Pray your most Sacred Majesty, that it may be Enacted, AND BE IT ENACTED, by his Excellency James Wright Esquire, Captain General and Governor in Chief of His Majestys Province of Georgia, by and with the Advice and Consent of the Honourable Council, and Commons House of Assembly, of the said Province, in general Assembly met, and by the Authority of the same, That if at any Time, from and after the passing of this ACT, any Master, or Owner or any Person acting as Master, or Owner, of any Ship, or other Vessel, whatsoever shall cast, throw out or unlade, or if at any Time from and after the Time aforesaid, there shall be cast thrown out or unladen, from or out of any Ship or other Vessel whatsoever being, or riding within any Port Road Channel River or Navigable Creek within this Province, any Ballast Rubbish, Gravel Earth Stone or Wreck but above high water mark, Except the same be thrown out for the Purpose, only of filling up where Wharffs may be erecting, or erected under the Bank or Bluff of such River or Navigable Creek It shall and may be Lawful for any one or more Justice, or Justices, of the Peace for the Parish or District, where or near which such Offence shall be committed upon Information made on Oath thereof, and he or they are hereby Authorized and required to summon or issue

Enacted.

Masters of Vessel's &c not to throw any Ballast. Rubbish &c in any Channel but above high water Mark, except to fill up Wharffs

Justices to Issue Warrants against such Offenders on Proof thereof

sue out his or their Warrant, or Warrants, to apprehend or bring before him or them, the Master, or Masters, Owner or Owners, of any such Ship or other Vessel, or other Person or Persons, Acting as such, against whom such Complaint or Information shall be made or given and upon his or their Appearance, or making Default in appearing, to proceed to examine the Matter of Fact and upon due Proof made (either by confession of the Party Offending, or on View of such Justice, or Justices, or upon the Oath or Oaths, of one or more Witness, or Witnesses, which Oath's the said Justice, or Justices, are hereby required to Administer) that any Ballast, Rubbish, Earth, Gravel, Stone, or Wreck hath been cast unladen or thrown out, of or from any Ship or other Vessel, the Master or Masters, or Person or Persons acting as Master; Or Masters thereof, shall be adjudged and he and they are hereby respectively, declared to be the Offenders against this Act, and he and they being by such Justice or Justices (or by any of the Ways or Means aforesaid) thereof Convicted, shall forfeit and pay for every such Offence, any Sum not exceeding Eight Pounds, at the Discretion of such Justice or Justices, the one Moiety thereof to the Informer, and the other Moiety thereof, to his Majesty, for the support of the Poor of the Parish, wherein such Conviction shall be Pronounced, —

Persons convicted of Offending against this Act to forfeit for every such Offence £8 Stg.

Penalties to be recovered by Warrant from a Justice, where the Offence is Committed

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that the Penalties inflicted or incurred by this Act, together with the Charges attending the same, shall be recovered and levied by Distress

Distress and Sale, either of the Goods and Chattels, of the Person so convicted respectively as aforesaid, or of the Ship or other Vessel, or of their Tackle Apparel or Furniture (by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, and which he or they are hereby impowered and required, on such Conviction as aforesaid to make and to direct the same to the Constables or other Proper Officer, or Officers of the Parish or District where such Warrants are respectively to be executed, and which Warrants the Constables and Officers aforesaid, are hereby respectively required to execute) rendring the Overplus if any be to the respective Owners thereof, And for want of Sufficient Distress, the said Justice or Justices are hereby impowered, and required, to commit such Master, or Masters, or Persons, or Persons, Acting as such and so Convicted as aforesaid to Prison, there to remain for the Space of Thirty Days, or until Payment shall be made of the Penalties and Forfeitures for which such Commitment shall be PROVIDED nevertheless, and it shall and may be Lawfull for any Person or Persons, who shall think him or themselves aggreived by any Sentence, of Conviction as aforesaid to appeal therefrom to the General Court of Pleas, at any Time within fourteen Days after such Sentence given the Party or Partys so appealing, giving Security as Usual, to prosecute such Appeal. —

For want of sufficient Distress, the Persons Offending to be committed to prison for 30 days.

Proviso

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that if at any time from and after the Passing of this Act, any Person or Persons

Owners of Wharffs not to throw any Rubbish Ballast &c into any River or Navigable Creek or suffer the same to fall in by the decay of such Wharffs on forfeiture of the Penalties aforesaid

sons being the Owners or Occupiers, of any Wharff, Wharffs, erected or erecting or to be erected under the Bank or Bluff of any such River or navigable Creek, shall Cast or Throw, or if there shall be cast or thrown, from off any Wharff aforesaid, any Ballast, Rubbish, Gravel, Earth, or Stone, into such River or navigable Creek, or if any such Rubbish as aforesaid, shall fall into the Rivers or navigable Creeks by the Decay of such Wharffs, the Owner, or Owners, Occupier, or Occupiers, of the same upon Complaint or Information, and Conviction as aforesaid shall forfeit and pay for such Offence, any sum not exceeding Eight Pounds, to be levied and applied as hereinbefore is Directed, —

Persons, falling or cutting Trees on any River or Navigable Creeks, so as to Obstruct the passage of the same shall remove & Clear such Trees, at their Own expence.

AND BE IT ENACTED, by the Authority aforesaid, that if any Person, or Persons, after the Time of Passing this Act, shall cut or cause to be fallen, or cut down any Trees contiguous to the Rivers or navigable Creeks, by this Act, intended to be kept free and passable, for Shipping Periaugua's and large Boats, and such Trees so felld and cut down shall happen to fall into the said Rivers, or into, or a cross the said navigable Creeks, the Person, or Persons, so falling or causing the said Trees to be so fell'd and cut down shall forthwith clear the said Rivers or navigable Creeks of the same at his or their sole Cost and expence, And in Case of his or their Neglect, or Refusal, so to do within Ten Days, any one Justice of the Peace of the Parish Or District, where the same shall happen, may and is hereby Authorized, on Information on Oath to him thereof given forthwith to issue his Warrant

on neglect or refusal thereof in 10 Days After Notice given Justice to order the same to be removed & Issue a Warrant against the Offenders to recover the expences.

Warrant, to the Constable of the said Parish, or District, to cause the said Tree or Trees to be removed out of the said Rivers or navigable Creeks, and the expence attending the doing thereof shall be paid and discharged by the Person or Persons so falling, or causing the said Trees to be fell'd and cut down, And such Justice is hereby fully authorized and impowered, to issue his Warrant for levying the same together with the Charge attending thereon, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, and for want of Sufficient Distress to commit, such Person, or Persons Offending as aforesaid to Prison, for the Space of Thirty Days, or until Payment shall be made as aforesaid. —

for want of Suff.t Distress, Offender to be committed to Prison for 30 days.

PROVIDED nevertheless that nothing herein contained shall extend, or be construed to extend, to include or to make clear, or navigable, any Creek not navigable at the Time of Passing this Act, —

Proviso

AND BE IT FURTHER ENACTED by the Authority aforesaid, that this Act shall continue in force for the Space of Seven Years, and from thence to the End of the next Session of the General Assembly and no longer —

Continuation

By Order of the Upper House,
JAMES HABERSHAM President

Ex!

By Order of the Commons House of Assembly,
LEWIS JOHNSON Speaker

SAVANNAH,
In the Council Chamber,
April the 7.th 1763,
Assented to,
JA: WRIGHT.

State

(State Archives.)

AN ACT

For Regulating a Work House, for the Custody and Punishment of Negroes.

Preamble

WHEREAS a Law for regulating a Work House for the confinement of Negroes, and punishment of such as are obstinate and disorderly is highly Necessary WE therefore pray your Most Sacred Majesty

Enacted

that it may be Enacted AND BE IT ENACTED by His Excellency JAMES WRIGHT Esquire Captain General and Governor in Chief in and over this his Majestys Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of

Commissioners named.

the same THAT Joseph Ottolenghe William Ewen and John Morel Esquires Alexander ffyffe and Benjamin Goldwire shall and they are hereby Nominated and Appointed Commissioners for the Ordering and taking Care of the said Work House which said Commissioners or any three of them shall have full power and Authority to do and transact all and every the Matters in and by this Act injoined and directed to be done by them which Commissioners shall be and Continue until Easter Monday in the Year One thousand seven hundred and sixty four after which the same Number of Commissioners shall be annually Chosen and Elected at the same Time and in the same way as is appionted for Choosing parish Officers.—and the Commissioners

Commissioners to be chosen annually at the same time & Manner as Parish Officers, on refusal to Act to pay the same fine as the Church Wardens, are liable to on refusing that office.

so

so Chosen Refusing to Act shall be and they are hereby made lyable to pay the same ffines as is Imposed on Church Wardens Refusing to Act. AND BE IT FURTHER ENACTED by the Authority aforesaid THAT the said Commissioners shall within Two Months after the passing this Act appoint a fit and proper person to be Master or Warden of the Work House for such Term and Time not exceeding the Term of three Years, as they shall think fit, or during his good Behaviour. to have and take the Care and Charge of the Work House and of the Negroes that from Time to Time shall be sent or Committed to his Care AND the said Commissioners are hereby empowered to Contract with such Master or Warden to have and take such ffees perquisites and Advantages out of the Profits of the Work and Labour of such Slaves as shall be committed or sent to the Work House Or such other stated Salary out of the profits of the same as they shall think reasonable during the time of his Appointment—

Commiss.rs impower'd to appoint a Master for a Term not exceeding Three years, or during his good behaviour

Commissioners to ascertain ffees or a Salary for the sd. Master during his Appointment.

AND BE IT FURTHER ENACTED by the Authority aforesaid That the Master or Warden of the Work House to be appointed as aforesaid shall have power and Authority and he is hereby Authorized impowered and directed to set all such Negroes (Criminals excepted) as shall from Time to Time be duly sent or committed to his Custody to Work and labour (if they be able) for such time as they shall continue and remain in the Work House and to punish them by putting Fetters or Shackles upon them and by Moderate whipping not exceeding twenty

Master Impower'd to employ Negroes while in the Work House, and punish them by Whipping or Irons.

twenty Stripes in one Day. AND BE IT FURTHER ENACTED by the Authority afforesaid that the said Master and Warden of the Work House shall provide as there shall be occasion suitable Materials for the employment of such Negroes as shall be committed to his Custody (except as before excepted) and all the Profits that shall arise by the labour of such Negroes so to be employed shall be paid by the said Master or Warden to the said Commissioners who shall apply the same towards the discharge of the said Masters ffees or Salary and in providing Materials for the said Negroes employment. AND BE IT FURTHER ENACTED by the Authority aforesaid that from and after the passing of this Act instead of delivering fugitive Slaves to the Constables in Manner as directed by An Act of this Province intituled an Act for the better ordering and governing of Negroes and other Slaves it shall and may be lawful for all and every Person and Persons in this province as in the said Act mentioned to take Apprehend and secure any Run away or fugitive Slave or Slaves and they are hereby directed and required to send such Slave or Slaves, immediately to the Master or other Person having the Care or Government of such Slave or Slaves, if the person or persons taking up or securing such Slave or Slaves shall know or can without Difficulty be informed to whom such Slave or Slaves shall belong, but if not known or discovered then such Slave or Slaves shall be sent carried or Delivered immediately into the Custody of the said Master and Warden of the Work

Master to provide Materials to employ Negroes, & the Profits arising to be paid to the Commissioners who shall apply the same towds. the discharge of Masters ffees or Salary &c.

Runaway Negroes to be delivered to their proper Masters without being carried to a Constable

Slaves whose masters are unknown, to be delivered to the Masr. of the Work House

Work house And the Master or other person who has the Care or Government of such Slave or Slaves whether by a ffree person or Slave the sum of ffive shillings Sterling And the Master and Warden of the Work house upon the Receipt of every such fugitive or runaway Slave is hereby directed and required to keep such Slave in safe Custody until such Slave shall be lawfully discharged And shall as soon as conveniently may be Advertize such Slave in the Gazette of this Province and for want of such in the South Carolina Gazette with the best Descriptions he shall be able to give first Carefully viewing and examining such Slave naked to the Waist for any Mark or Brand which he shall Advertize to the Intent the Owner or other person who shall have the Care and Charge of such Slave may come to the Knowledge that such Slave is in his Custody And if any such Slave shall escape through the Negligence of the Warden of the Workhouse and cannot be taken within three Months the said Warden of the Work house shall Answer to the Owner for the Value of such Slave or the Damages which the Owner shall sustain by Reason of such Escape as the case shall happen. AND BE IT FURTHER ENACTED by the Authority aforesaid that the said Warden of the Work house shall at the Charge of the Owner of such Slave provide Sufficient Food, Drink, Cloathing and Covering for every Slave delivered into his Custody and shall keep them to Moderate Labour and Advertize them in the Manner before directed and on ffailure thereof shall fforfeit his ffees due for such Slave AND BE It

such Slave to be Advertized in the Gazzette.

any Slave Escaping thro negligence of the Warden, and not taken within 3 mos. He to be answerable.

Master of Work House to find Food &c. at the expence of the owner

Persons apprehending Slaves to be intitled to Mileage.

IT FURTHER ENACTED by the Authority aforesaid that any Person or Persons who shall take up any Runaway Slave and shall deliver such Slave either to the Master or other Person having the Care or Charge of such Slave or to the Warden of the Work house shall be Intituled to receive from the Owner or Warden of the Work house upon the Delivery two pence Sterling Per Mile for every Mile such Slave shall have been brought or sent to be computed from the place where such Slave was apprehended And if such Slave shall be delivered into the Custody of the Warden aforesaid the person delivering such Slave shall give an Account of his Name place of Abode and the Time and place when and where such Slave was Apprehended which Account the said Warden shall enter down in a Book to be kept for that purpose and shall give a Receipt for any such Slave which shall be delivered as aforesaid into his Custody And the said Warden is hereby fully Authorized and impowered to demand and receive from the Owner or other Person having the Charge or Care of any such Slave or Slaves committed from the Month of October to March inclusive for finding necessary Cloathing and Covering to be the property of the Masters any Sum not exceeding Eighteen Shillings and the several Sums following and no other Sum ffee or Reward on any pretence whatsoever that is to say for Apprehending each Slave payd to the Person who delivered such Slave in Custody five Shillings Sterling for Mileage paid to the same person two pence like Money for a sufficient Quantity of provision for each

Warden to enter the name of every Slave brought in a Book

Wardens ffees.

each Day for each Slave Six pence for Advertizing and publishing every Slave as directed by this Act Six pence Sterling exclusive of the Charge of printing. ffor receiving such Slave six pence and for delivering of him Six pence ffor poundage on Money Advanced One shilling in the Pound AND the said Warden shall and may lawfully detain any Slave in Custody until the ffees and Expences aforesaid be fully paid and Satisfied AND in Case the Owner of such Slave or his Overseer, Agent Manager Attorney or Trustee shall Neglect or Refuse to pay or Satisfy the said Fees and Expences for the space of Thirty days after the same shall be demanded by Notice in Writing served on the Owner of such Slave or (if the Owner or Owners shall be absent from this Province) upon his Overseer, Agent, Manager, Attorney or Trustee the said Warden shall and may expose any such Slave to Sale at Publick Out Cry and after deducting the Fees and Expences aforesaid the Charges of such Sale shall upon demand return the Overplus Money arising by such Sale to any Person who has a Right to Demand and receive the same— AND forasmuch as for Want of knowing or finding the Owner of any fugitive Slave to be delivered to him as aforesaid the said Warden may not be obliged to keep such Slave in his Custody and find and provide provisions for such Slave over and beyond a reasonable Time BE IT THEREFORE FURTHER ENACTED by the Authority aforesaid that if the Owner or Owners of such fugitive Slaves shall not within the Space of Eighteen Months from the Time of

Owners &c refusing to pay such ffees Negroe to be sold to reimburse the same.

Slaves not claim'd in 18 Months, to be sold, & fees deducted, the Overplus to be pd. to the Treasurer

of Commitment make his or their Claim or Claims or it shall not be otherwise be made known to the said Warden within the Time aforesaid to whom such Committed Slave shall belong it shall and may be lawfull for the said Warden to sell such Slave at Publick Vendue in Savannah he the said Warden first Advertising such Sale Six Weeks successively in the Gazette of this Province and for want of such in the South Carolina Gazette together with the Reason of the Sale of such Slave, and out of the Money arising by such Sale to pay deduct and retain to himself what shall be then due for Money by him disbursed on Receipt of such ffugitive Slave and for his ffees and provisions together with the reasonable Charges arising by such Sale And the Overplus Money if any there shall be shall be rendered and paid by the said Warden to His Majestys Treasurer for the Time being IN TRUST nevertheless for the Use of the Owner or Owners of such Slave PROVIDED the same be claimed by him Proviso her or them within one Year and a Day after such Sale, and in Default of such Claim within the Time aforesaid for the Use of the Province as the General Assembly shall direct. AND WHEREAS by the said Recited Act the Constables of the Respective Parishes are obliged to keep in Custody such Negroes as are committed for criminal Offences BE IT ENACTED by the Authority aforesaid that from and after the Nomination of a Master or Warden of the Work House by the Commissioners before mentioned the said Master or Warden is hereby required and Commanded to receive

Sale to be advertized in the Gazzett

Proviso

Negroes committed for criminal Offences to be delivered by the Constable to the Masr. of the Work House.

receive into the Work House from any Constable or Constables of Christ Church Parish on their producing a legal Mittimus under the Hand and Seal of any of His Majestys Justices of the peace for the said Parish any such Negro or Negroes, And to do and Execute all and every the Matters and Things required to be done by the Constables in the said Act any Thing in the same contained to the Contrary notwithstanding.

Master of Work House to receive incorrigible Slaves & Punish them as their Owners direct

AND BE IT FURTHER ENACTED, that any Person or Persons having stubborn obstinate or incorrigible Negroes or Slaves may send and Commit them to the Work House there to be kept to hard labour or otherwise to be corrected as they shall direct, and the Master and Warden is hereby strictly commanded and required to execute the same, the Owner or Owners thereof paying for the Correction and Maintenance of such Slave or Slaves during his or their confinement at the following Rates, Viz^{t} Six pence for each Days Maintenance and one Shilling and ffour pence for each Chastisement that the Owners may direct.

Wardens fees for the same.

AND BE IT FURTHER ENACTED by the Authority aforesaid that in Case of the Death Absence or Refusal to Act of any of the Commissioners named in this Act the Acting Commissioners or the Majority of them shall appoint other proper Persons as Commissioners in the Room of those who may die be Absent or Refuse to Act as aforesaid.

Commissioners dying &c. others to be appointed by the Acting Commissioners.

AND BE IT FURTHER ENACTED by the Authority aforesaid that this Act shall be and Continue in fforce during the Term of Three Years from the passing the

Continuation

the same, and from thence to the End of the next Session of the General Assembly and no longer. —

By Order of the Upper House,

JAMES HABERSHAM President

By Order of the Commons House of Assembly,

LEWIS JOHNSON Speaker

SAVANNAH,

In the Council Chamber,

April the 7.th 1763;

Assented to,

JA: WRIGHT.

(State Archives)

An act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same.

1, 2, 3, 4, Re-enacted with amendments by act of 1765.

5. *And be it enacted by the authority aforesaid,* That if any person or persons after the time of passing

ing this act, shall cut or cause to be fallen or cut down any trees contiguous to the navigable creeks by this act intended to be kept free and passable for shipping, periagaus, and large boats, and such trees so felled and cut down, shall happen to fall into the said rivers, or into or across the said navigable creeks, the person or persons so falling or causing the said trees to be fellen and cut down, shall forthwith clear the said rivers or navigable creeks, of the same, at his or their sole cost and expence; and in case of his or their neglect or refusal, so to do within ten days, any one justice of the peace of the parish or district where the same shall happen, may, and is hereby authorized on information oath to him thereof given, forthwith to issue his warrant to the constable of the said parish or district, to cause the said tree or trees to be removed out of the said rivers or navigable creeks, and the expence attending the doing thereof shall be paid and discharged by the person or persons so falling or causing the said trees to be felled and cut down, and such justice is hereby fully authorized and empowered to issue his warrant for levying the same, together with the charge attending thereon, by distress and sale of the goods and chattels of such offender or offenders, and for want of sufficient distress, to commit such person or persons offending as aforesaid to prison for the space of thirty days, or until payment shall be made as aforesaid; *Provided nevertheless,* That nothing herein contained shall extend, or be construed to extend, to include, or to make clear

Persons obstructing the navigation of rivers and creeks, how to be treated.

Proviso.

clear, or navigable any creek not navigable at the time of passing this act.

JAMES HABERSHAM, *President.*

LEWIS JOHNSON, *Speaker.*

JAMES WRIGHT,

April the 7.th 1763;

(State Archives.)

An act for amending an act, for constituting and dividing the several districts and divisions of this province into parishes, and for establishing religious worship therein, according to the rites and ceremonies of the church of England; and also for empowering the church wardens and vestry-men of the respective parishes, to assess rates for the repair of churches, the relief of the poor, and other parochial services, and for enlarging the public burial ground at Savannah, and enclosing the same.

1. Directing church wardens, &c. to levy a parish tax-repugnant to the constitution. See 10th section of the fourth article thereof.

Cemetery of Christ Church enlarged.

2. *And whereas* the cemetery in the parish of Christ Church, belonging to the said parish, is become too small for the occasion: *Be it further enacted*

acted, by the authority aforesaid, That the said cemetery be enlarged and extended to the line of Abercorn-street to the westward, and one hundred feet to the southward, the whole to contain two hundred and ten feet square; and church wardens and vestry-men of the said parish are hereby empowered at their discretion to agree with and hire workmen to complete, enclose and finish the same.

3. *And be it further enacted, by the authority aforesaid,* That there be laid out and enclosed in a line with the said cemetery, adjoining the lines of the common, towards the five acre lots, a place of two hundred feet square, for the conveniency of a burial ground for negroes.

Burial ground for negroes.

By order of the Upper House of Assembly,

LEWIS JOHNSON, *Speaker.*

By order of the Lower House,

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

April 7th, 1763.

State

(State Archives.)

AN ACT

for further amending and explaining an Act intituled an Act for better regulating the Market in the Town of Savannah—

Preamble

WHEREAS by an act of the general Assembly of this Province intituled an Act for better regulating the Market in the Town of Savannah past the fifteenth Day of March One thousand seven hundred and fifty Eight the Commissioners therein named were (among other Things) impowered to lease and hire out the Shops and Stalls of the then Market Place in Savannah and to receive the Rents thereof and apply the same in Repair of the said Market As in and by the said Act is more particularly mentioned AND WHEREAS the Market having been since removed to another Part of the said Town and a Market House with Shops and Stalls having been erected at the Expense of the Crown sundry Doubts have arisen as to the Power of the said Commissioners as well in Respect of letting out such new Shops and Stalls as of the other Matters in and by the said Act required of them to be done For removing whereof and for confirming the Right and Power of letting and demising of the said new Market with the several Shops Stalls and Stallage thereof to and in the Honorable James Habersham, Noble Jones, Francis Harris, Jonathan Bryan, William Knox and Grey Elliott Esquires and Bartholomew Zouberbuhler Clerk the several Trustees

Trustees named and appointed in and by an Order of the Governour and Council of this Province bearing Date the Nineteenth Day of September One thousand seven hundred and sixty for making out a Grant to the said James Habersham Noble Jones Francis Harris Jonathan Bryan William Knox and Grey Elliott Esquires and the Rev.d Bartholomew Zouberbuhler Clerk of the Lot Number two in Holland Tything Percival Ward IN TRUST and for the Purpose of erecting a School House and impowering them. the said Trustees to let or lease the Stalls and Houses of the new Market and to apply the Rents arising therefrom towards the Maintenance of a School Master Except only such Part of the said Rent as should be necessary for keeping the said Market in Repair AND for the further regulating the said Market WE pray your most sacred Majesty that it may be Enacted AND BE IT ENACTED by his Excellency James Wright Esquire Captain-general and Governour in chief of his Majesty's Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same THAT from and after the passing of this Act it shall and may by lawfull to and for the said Trustees before mentioned and their Successors Trustees (in like Manner to be appointed) for the Time being and they and any three of them from Time to Time hereafter shall have full Power and Authority and are hereby authorised and required to let set and demise the several Shops Stalls and Stallage

Enacted

That the Trustees herein mentioned do lett the stalls &c of the Markett.

lage of the said Market (now lately removed into Ellis Square) to such Person or Persons and under such Rent and Conditions as they the said Trustees or any three of them shall think fit and shall best answer the Purpose and Benefit of the said Market And the Rents thereof from Time to Time to collect and receive And in Case of Non-Payment to distrein for and take all lawfull Ways and Means for the recovering and receiving of the same AND the said Trustees or any three of them shall likewise have full Power and they are hereby authorized and required to demand sue for recover and receive of and from all and every Person and Persons who shall have hitherto rented or occupied any Shop Stall or other Part of the said Market House, Market Place or Building since the first erecting thereof in Wright Square all Rent and Sum and Sums of Money by them or either of them due and owing and in Arrear for the same.—

The sum of £132.16.11 now in the hands of the Trustees for building a School House together wth. the monies now in Arrear for the rent of the Markett-place to be applied to the finishing of the said Market.—

AND WHEREAS there is now in the Hands of the said Trustees and now due to them the Sum of One hundred Thirty two Pounds sixteen Shillings and Eleven Pence being Moneys appropriated by the before mentioned Order of Council towards building a School House AND WHEREAS the said Market Place and Buildings have lately been removed into Ellis Square and a further Sum is necessary for compleating thereof and making such other Alterations and Additions thereto as hereafter mentioned BE IT THEREFORE ENACTED by the Authority aforesaid that it shall and may be lawfull for the said

said Trustees or any three of them and they are hereby authorized and required to apply the said Sum of One hundred thirty two Pounds sixteen shillings and Eleven Pence now in their Hands or any Part thereof together with the several Sums of Money now in Arrear and owing for the Rent of the said Market Place, Shops, Stalls, and Stallage, as aforesaid as the same shall be received by them towards compleating and finishing of the said Market House with the Shops and Stalls thereof as now situate in Ellis Square as aforesaid by under-pinning the angular Buildings, paving the Area, and making such other Conveniences thereto as shall be thought necessary and expedient for the better Accommodation of Persons resorting to the said Market AND BE IT FURTHER ENACTED by the Authority aforesaid that as well the Residue of the said Moneys (if any) after compleating and finishing of the said Market Place as before mentioned as also all Rent and Sums of Money hereafter to become due and payable for the Rent and Occupation of the said Market Place Shops Stalls and Stallage thereof as the same shall from Time to Time be received after deducting thereout what shall be necessary for keeping in Repair the said Market Place and Buildings shall by the said Trustees be applied in the first Place for replacing in their Hands the said Sum of One hundred thirty two Pounds sixteen Shillings and Eleven Pence towards the building a School House as aforesaid and afterwards towards the Maintenance of a School Master pursuant to the said Order of Council AND BE IT FURther

Monies arising from the rent of the Market after the same is compleated to be applied as herein directed. —

all forfeitures & Offences to be determined by any of the Justices of the Parish of Christ Church.

THER ENACTED by the Authority aforesaid that all Offences and Forfeitures in the said former Act mentioned or in an Act intituled an Act to explain and amend an Act intituled an Act for better regulating the Market in the Town of Savannah passed the twenty seventh Day of March One thousand seven hundred and fifty nine shall and may from and after the passing of this Act be heard determined and recovered before any one of his Majesty's Justices of the Parish of Christ Church And the said Justices and every of them are hereby authorized and impowered to have use and exercise all and every the like Powers and Authority as are vested in and given to the said Commissioners in and by the said before mentioned Acts or either of them in as full and ample Manner to all Intents and Purposes as they the said Commissioners or any three of them might have use and exercise the same by Vertue of the said Acts in any Manner howsoever any Thing in the said before mentioned Acts contained to the contrary thereof in any wise notwithstanding AND for the better carrying into Execution the Purposes of this and of the before mentioned Acts BE IT

dutys required of the Clerk of the Markett

FURTHER ENACTED by the Authority aforesaid that the Clerk of the Market for the Time being shall duely attend the Service of the said Market and see that all and every Person and Persons as well Buyers as Sellers do conform to and obey the Directions of the said Acts according to the Intent and Meaning thereof AND in Case of any Neglect herein or if such Clerk shall in any wise be privy to or connive at any Breaches of the said Acts by either Buyer or Seller

Seller and shall not give Information thereof so as such Offender or Offenders may be convicted agreeable to the Direction of the said Acts then and in such Cases he shall upon Conviction upon Oath of any such Neglect or Connivance before any one Justice of the Peace of the said Parish of Christ Church forfeit and pay a Sum not exceeding five Pounds at the Discretion of such Justice before whom he shall be convicted to be levied by Distress and Sale of Goods as in the said first recited Act is mentioned; Nor shall such Clerk of the Market act as a Butcher in the said Market or otherwise sell or dispose of any Meat or other Things mentioned in this Act either for himself or for any other Person or Persons whatsoever under the Penalty of five Pounds for every time he shall so sell and dispose of any Thing in the said Market on Information and due Proof thereof before any Magistrate of the Town of Savannah And the said Fines shall be recovered and applied as other Fines are directed by this Act AND BE IT FURTHER ENACTED by the Authority aforesaid that all and every the Penalties and Forfeitures in and by the said Acts or this Act inflicted shall after Recovery thereof be paid and applied towards building a School House and Maintenance of a School Master in the Town of Savannah any Thing in the said former Acts mentioned to the contrary thereof in any wise notwithstanding AND BE IT FURTHER ENACTED by the Authority aforesaid that the fourth Clause in the first mentioned Act which restrains all Persons from buying selling or contracting for any Beef Mutton Veal Pork or other Meat

ffforfeitures how to be Applied.

No Meat killed in the Town of Savannah or witnin a Mile thereof to be sold before it is brought to Market.

Meat that shall be killed in Savannah or the Common thereof shall extend to all Places being within a Mile of the said Town And that from henceforth no Person or Persons (except as in the second recited Act is excepted) shall buy sell or contract for the buying or selling of or cause to be bought sold or contracted for any Beef Mutton Lamb Veal Pork or other Meat whatsoever that shall be killed in the said Town or within one Mile thereof before the same shall be brought to Market and exposed to Sale under the Penalty and Forfeiture as in the said Act is mentioned AND WHEREAS great Inconveniences arise from the short Notice given by ringing the Bell only five Minutes as directed by the second recited Act; For remedy whereof BE IT FURTHER ENACTED by the Authority aforesaid that the Clerk of the Market shall hereafter cause the Market Bell to be wrung at Sunrise for the Space of fifteen Minutes at least after which Time and not before the Market shall be deemed open and free for all Persons to expose to Sale and sell their several Commodities AND BE IT FURTHER ENACTED by the Authority aforesaid that for the better accommodating the several Inhabitants of the said Town as shall be suitable to their respective Families all Butchers and others exposing to Sale at the said Market Beef Veal Mutton Lamb or Pork shall at the Request of any Buyer or Buyers cut and sell any Part or Quantity as the Buyer may want of Beef or a single Joint of Veal Mutton Lamb or Pork under the Penalty of five Shillings on every Butcher or other Seller of Meat that shall refuse to cut

The Market Bell to be wrung 15 Minutes, after which time the market is deem'd open and free to all Persons

Butchers &c to sell meat in any quantity the buyer chuses, under the penalty of five Shillings

cut and sell such Quantity or Part thereof as aforesaid AND BE IT FURTHER ENACTED by the Authority aforesaid that the Clerk of the Market shall once in every six Months from and after passing this Act publickly read this Act and also the before mentioned Acts in open Market under the Penalty of Thirty Shillings for every Neglect to be recovered and applied as herein before mentioned—

this Act an the Acts before mentioned to be read once every six Mo. by the Clerk, under the penalty of 30/

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House

LEWIS JOHNSON Speaker

Council Chamber

Assented to 29.th February 1764

JA: WRIGHT.

(State Archives.)

AN ACT

For *appointing Commissioners to rebuild the Court-House in the Town of Savannah with Jury-Rooms and other Conveniencies necessary for the said House and to empower the said Commissioners*

ers to dispose of the materials of the old Court-House.

WHEREAS the Court-House in the Town of Savannah where His Majesty's Courts for the Province of Georgia are held is now reduced to a decayed and ruinous Condition, and it being of the Utmost Importance to this Province speedily to rebuild the same, together with Jury-Rooms and other Conveniences for the said Court-House which have not been hitherto provided; WE therefore pray your most Sacred Majesty that it may be enacted, and BE IT ENACTED by His Excellency James Wright, Esquire Captain General and Governor in Chief in and over His Majesty's Province of Georgia by and with the advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same, That as soon as conveniently may be after the passing of this Act, The old Court-House in the Town of Savannah being now in Wright Square shall be pulled down and another Court-House in its stead with Jury-Rooms and other Necessary Conveniences shall be erected or rebuilt in the same place or Lot.

AND BE IT FURTHER ENACTED by the authority aforesaid That His Excellency the Governour or Commander in Chief of this Province for the time being, the Chief Justice Assistant Judges and Attorney General for the time being, Joseph Ottolenghe and Henry Yonge Esquires be and they are hereby nominated and appointed Commissioners to put

put this Act in Execution and they or any three of them are hereby impowered Authorized and required to fix upon such a convenient plan as shall not when compleatly executed exceed the sum of Six hundred Pounds Sterling, and to contract for Materials and to agree with Work-men for the rebuilding the aforesaid Court-House and the additional parts herein before mentioned, and the afore named Commissioners or any three of them are hereby also Impowered and authorized to sell if they shall see it necessary all or any part of the materials belonging to the said old Court House by a public sale to the best bidder and the money arising from such sale shall be applied by the aforesaid Commissioners towards the rebuilding of the said Court-House.

AND BE IT ENACTED by the Authority aforesaid, that the Commissioners or any three of them are hereby authorized and impowered to certify the expense of rebuilding the said Court-House to the Governour and Council who shall give orders on the Treasurer of this Province for the said several Expences aforesaid to be paid by him out of the Monies already provided or hereafter to be provided for that Purpose.

AND BE IT ENACTED by the Authority aforesaid, That in case any of the Commissioners herein before Named and appointed shall die, depart the Province or refuse to Act the remaining Commissioners or any three of them shall as soon as convenient notify the same to the Governour or Commander

mander in Chief for the time being who is hereby Authorized and impowered to appoint and Nominate one or more in the Room of such as shall Die or depart the Province or refuse to Act

AND BE IT FURTHER ENACTED by the authority aforesaid that the Commissioners appointed by virtue of this Act shall lay their Accounts of the Monies by them received and expended in the rebuilding of the said Court-House before the General Assembly when thereunto required.

By Order of the upper House-

JAMES HABERSHAM President

By Order of the Commons House

LEWIS JOHNSON Speaker

Council Chamber

Assented to 29.th February 1764

JA: WRIGHT.

(State Archives.)

AN ORDINANCE

Reappointing William Knox Esquire, Agent to Solicit the Affairs of this Province in Great Britain.

Whereas

Reappointing Agent of Affairs in Great Britain.

WHEREAS there are many Affairs of Importance necessary to be represented sollicited and transacted in Great Britain, which cannot be so effectually done as by An Agent for this Purpose appointed; AND WHEREAS the Zeal and Abilities with which William Knox Esquire, the Present Agent hath hitherto transacted the Affairs of this Province committed to his charge, and his assiduous attention to the welfare thereof, justly require his being continued in his said employment of Agent for the Province;

BE IT THEREFORE ORDAINED, and it is hereby ORDAINED by His Excellency JAMES WRIGHT Esquire, Captain General and Governor in Chief of the Province of GEORGIA, by and with the Advice and consent of the Honourable Council and Commons House of Assembly of the said Province, in General Assembly met, and by the Authority of the same, THAT the said William Knox Esquire be, and he is hereby re-appointed and Continued Agent to represent, sollicit and Transact the Affairs of this Province in Great Britain for the Term of one whole Year, from the ffirst Day of May next ensuing this Present Year of Our Lord One thousand seven Hundred and sixty four—

AND BE IT FURTHER ORDAINED by the Authority aforesaid, THAT the said William Knox shall be and he is hereby fully Authorized and impowered to follow and Pursue all such Instructions as he shall from Time to Time receive ffrom the General Assembly of this Province, or from the Committee hereafter appointed to Correspond with him—

And

AND BE IT FURTHER ORDAINED by the Authority aforesaid, THAT the Honourable James Habersham, Noble Jones, James Edward Powell, Grey Elliott and Clement Martin Esquires, of His Majesty's Council, for the Time being. The Honourable the Speaker of the Commons House of Assembly, Joseph Ottolenghe, John Milledge, Noble Wimberly Jones, Lachlan McGillivray, William Ewen, James Read and Henry Yonge Esquires, so long as they shall continue Members of the Commons House of Assembly, or any Seven of them, (two of which shall be of the Council,) shall be, and they are hereby Nominated and appointed a Committee to Correspond with the said William Knox, and give him such Orders and Instructions from Time to Time as they shall Judge to be for the Service of this Province.—

AND BE IT FURTHER ORDAINED by the Authority aforesaid, That there shall be allowed and paid unto the said William Knox for his Agency, the Sum of One hundred pounds Sterling Money, over and above his Reasonable Charges and Disbursements on his Application to the several Boards and Offices, in negotiating the affairs of this Province.—

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House

LEWIS JOHNSON Speaker

Council Chamber

Assented to 29.th February 1764

JA: WRIGHT.

State

To Empower Surveyors to lay out Public Roads.

(State Archives.)

AN ACT

for further Amending An Act Intitled An Act to Impower the Several Surveyors therein named to lay out publick Roads in the province of Georgia—

WHEREAS in and by An Act of the General Assembly of this Province passed the Eighth Day of February in the Year of Our Lord One thousand seven hundred and fifty seven Intitled An Act for explaining and Amending An Act to impower the several Surveyors hereafter named to lay out public Roads in the Province of GEORGIA, it is ENACTED that the Inhabitants of the District of Midway shall be Obliged to Carry the Road to Hastings's Line, and from thence to be carried on by the Inhabitants of the District of Darien to the River Altamaha. AND WHEREAS since the passing of the before recited Act the several Districts of this Province have been Constituted and divided into Parishes, whereby the District of Midway, as far South as the said Hastings's Line, is now become the Parish of Saint John, and from the Southern Boundary of that Parish, to the River Alatamaha, including the Town and District of Darien, is now become the Parish of Saint Andrew. AND WHEREAS the Publick Road heretofore laid Out between the said Two Parishes and intended to be carried through Hastings's Swamp, is found to be a Work of too Great Labour; We therefore pray Your most

most Sacred Majesty that it may be Enacted, and BE IT ENACTED By His Excellency JAMES WRIGHT Esquire, Captain General and Governor in Chief of the said Province, by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province, in General Assembly met, and by the Authority of the same, THAT the Commissioners of Saint Andrew's Parish are respectively hereby impowered and required immediately after the Passing of this Act, to lay out a New Road from the Ash Swamp in Saint John's Parish, to the Boundary Line of the same, and from thence to be continued to the most convenient place for a fferry on the Alatamaha River, which Road shall be henceforth called the Upper Road, and shall be Worked on in each of the said Parishes by the Inhabitants thereof. And from and after the Passing of this Act the Inhabitants of the Parish of Saint John are and shall be exempted from Working on that part of the Road heretofore laid out, leading from the Ash Swamp in the said Parish to the said Boundary Line. AND WHEREAS the Road from the Town of Sunbury in the Parish of Saint John crossing Burtley's fferry, was directed by a former Act to Join the Road now Discontinued by this Act, BE IT THEREFORE FURTHER ENACTED by the Authority aforesaid, that the Inhabitants of the said Parish of Saint John shall continue the Road from the said fferry called Burtley's to the Division Line of the said parish below Hastings's Opposite to the most Convenient Place for Crossing South New Port

Port River. AND the Inhabitants of the said Parish of Saint Andrew shall Continue the same Road from the said Division line in the most direct and Convenient Course to the Town of Darien on the River Alatamaha, which said Road shall from henceforth be called the lower road, and the Inhabitants of the said Parish of Saint Andrew shall also make a Road from the said Town of Darien along the said River Alatamaha, up to ffort Barrington.—

AND WHEREAS by the Tenth Enacting Clause of An Act, Intitled An Act to impower the several Surveyors therein Named to lay out publick Roads in the Province of GEORGIA, it's provided that no more Than Seven Surveyors be appointed for one District; AND WHEREAS by laying out two other publick Roads Directed by this Act in the Parish of Saint Andrew, the Duty will become burthensome to so small a Number of Surveyors; BE IT THEREFORE ENACTED by the Authority aforesaid, THAT Robert Baillie Esquire, Lauchlan M^cIntosh Samuel Jones, William M^cIntosh John Weatherspoon, George M^cIntosh, Hugh Clerk, and (a?)
Stephen Williams are hereby Nominated and appointed Additional Surveyors of Roads in the parish of Saint Andrew: and they and every of them shall have the same powers and Authorities and be Subject to the same Penalties and fforfeitures that other Surveyors are in the Province by the before recited Act—

By

By Order of the upper House—

JAMES HABERSHAM President

By Order of the Commons House

LEWIS JOHNSON Speaker

Council Chamber

Assented to 29th February 1764

JA: WRIGHT.

(State Archives.)

AN ACT

Title. *for further continuing an Act intituled an Act to prevent Masters of Vessels from carrying off Persons in Debt from this Province.—*

Preamble. WHEREAS the Law herein after mentioned is near expiring WE therefore pray your most sacred Majesty that it may be Enacted AND BE IT ENACTED by His Excellency JAMES WRIGHT Esquire Captain-general and Governour in chief of his Majesty's Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same That an Act intituled an Act to prevent Masters of Vessels from carrying off Persons in Debt

Enacted.

That the Act to prevent Masters of Vessels from carrying off Persons in Debt from this Province be continued 'till Novemr. 1764 and from thence &ca

Debt from this Province passed the Twenty seventh Day of March One thousand seven hundred and fifty nine and which was to continue from thence for the Term of two Years And which by an Act of the General Assembly passed the first Day of May One thousand seven hundred and sixty was amended and further continued from thence for the Term of three Years and from thence to the End of the then next Session of the general Assembly shall be and the same is hereby together with the Alterations and Amendments made by the said last mentioned Act further continued from the Expiration thereof until the first Day of November next ensuing and which will be in the Year of our Lord One thousand seven hundred and sixty four And from thence to the End of the then next Session of the general Assembly.—

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House

LEWIS JOHNSON Speaker

Council Chamber

Assented to 29th February 1764

JA: WRIGHT.

State

(State Archives.)

AN ACT

for the Punishment of Vagabonds and other Idle and Disorderly persons and for Erecting Prisons or Places of Security in the several Parishes of this Province and for preventing Tresspasses on Lands of the Crown or Lands reserved for the Indians and for the more Effectual Suppressing and Punishing Persons Bartering with the Indians in the Woods—

WHEREAS many Persons come into this Province; having no kind of Property or visible way of living or supporting themselves but by Hunting being People of loose disorderly Lives, and who Build Hutts and Intrude on the Kings Lands without any Right or Authority for so doing and also frequently Tresspass on the Lands and Hunting Grounds of the Indians and Occasion Quarrels and Disturbances among them by bartering with them in the Woods and selling them Rum and otherwise molesting them, and do also Trafick much in Horses which there is great Reason to believe are frequently Stolen which People are a Nusance to all Orderly and well disposed Inhabitants, and of great Damage and Annoyance to the Province for remedy of which Grievances WE humbly pray Your most Sacred Majesty that it may be enacted AND BE IT ENACTED by His Excellency JAMES WRIGHT Esquire Captain General and Governor in Chief of his Majestys Province of GEORGIA by and with the Advice

Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same THAT from and after the passing of this Act ALL Persons wandering about in the several Parishes and Places within this Province living Idle without Imployment and having no visible means of Subsistance And all Persons wandering about or Lodging in private Tippling Houses, Barns Outhouses or in the Open Air not giving a Good Account of themselves And all Persons who have no fixed Settlement on Lands of their Own but wander about (their) from Place to Place and Build Hutts on Lands reserved for the Indians as their Hunting Grounds, or for their Use and who live by Hunting shall be deemed Vagabonds and Idle and Disorderly persons and it shall and may be lawful for any Person to apprehend and carry before a Justice of the Peace any such Person and the said Justice is hereby Impowered to order such Offenders being thereof convicted before him by his own view or by his or their Own Confession or by the Oath of one or more creditable Witness or Witnesses, to Prison for any Time not Exceeding ninety Days and the said Justice may also order a Sum not exceeding five shillings to be paid by any Church Warden or Overseer of the Poor of the Parish or Place where such Offenders shall be Apprehended and Convicted to the person or Persons apprehending them for every Offender so Apprehended and Convicted and such Church Warden or Overseer is hereby required to pay the same and the

the Sum so Payed shall be allowed them in their Account on their producing the Justices Order and the Persons Receipt to whom the Money is paid—

AND BE IT ENACTED by the Authority aforesaid that all Persons apprehended as Vagabonds and escaped from the Persons Apprehending them or out of Prison or refusing to go before a Justice of the Peace for to be examined before such Justice or knowingly giving a false Account of themselves on such Examination and all who having been Punished by Virtue of this Act and discharged shall again commit any of the said offences shall be Committed by any Justice of the Parish or Place where taken to prison or to the House of Correction there to be kept to hard Labour until the next Session of Oyer and Terminer and General Goal Delivery to be held in and for the said Province and the Justices of the said Court on Examination of the Circumstances of the Case may if they think Convenient order such Offender or Offenders to be detained and kept in Prison for any further Time not exceeding Six Months or such Corporal Punishment by Whipping in such manner according to the Nature of such persons Offence as they in their Direction shall think fit and the said Justices at the said Sessions may and are hereby impowered at any Time before such person is discharged from Prison being a Male above the Age of fourteen Years to send him to be employed in His Majesty's Service either by Sea or Land if they shall Judge proper—

AND BE IT FURTHER ENACTED by the Authority aforesaid that the Constables and peace Officers

cers of the Respective Parishes and Places within this Province shall be diligent in apprehending and bringing to Justice the Offenders against this Act and in case any Constable or any such Officer shall Refuse or Neglect to use his best Endeavors therein such Constable so offending shall forfeit and pay a Sum not exceeding Ten Pounds to be recovered and applied in like manner as in this Clause is hereafter mentioned and in Case any Person or Persons shall disturb or hinder the Execution of this Act or shall Rescue any Person apprehended by Virtue thereof or shall be advising aiding or Assisting to his her or their escape and shall be thereof convicted upon the Oath of one or more credible witness or Witnesses before one or more Justice or Justices of the peace where the Offense shall be committed which Oath he or they are hereby impowered to Administer such Person or Persons so Offending for every such Offense shall forfeit any sum not exceeding Twenty pounds to the Use of the Poor of the Parish or Place where such Offence shall be committed to be levied by Distress and Sale of the Offenders Goods by Warrant from such Justice or Justices Returning the Overplus if any after the said fforfeiture and Charges of making the Distress shall be paid and satisfied and if sufficient Distress cannot be found it shall and may be lawful for any one or more Justice or Justices to commit the person or persons so offending to prison until the next General Sessions of Oyer and Terminer and General Goal delivery and then shall be tried and punished in the same manner as before directed

rected by this Act as to such Offenders as shall escape from Prison refuse to be examined or knowingly give a false Account of themselves AND WHEREAS much Encouragement is given to Persons wandering about by the too ready reception they obtain in places where they are suffered to Lodge in private Tippling Houses and other Hutts or Outhouses for Remedy thereof BE IT ENACTED by the Authority aforesaid that if any person shall knowingly permit or suffer any such person in this Act described to Lodge or take shelter in his or her House Hutt Barn or other Out house or Buildings belonging or appertaining to such Tippling House or Publick House beyond the Space of three Days, sickness or bad weather Excepted and shall not apprehend and carry such person or persons before some Justice of the Peace or give Notice to some Constable or other such Officer so to do he or she being thereof lawfully convicted either on Confession or upon Oath of one or more credible Witness or Witnesses before one of His Majestys Justices of the Peace where such Offence shall be committed shall forfeit any sum not exceeding ffive Pounds One Moiety thereof to the Informer and the other Moiety to the Use of the Poor of the Parish or Place where such Offense shall be committed to be levied by Distress and Sale of the Goods and Chattels of such Offender by Warrant from such Justice returning the Overplus if any after such fforfeiture and Charges of such Distress shall be satisfied and if any Charge shall be brought upon any parish or place by means of the Lodging or Sheltering any of the

the Persons described in this Act the same shall be Answered to the said Parish or Place by the Person Offording them such Lodging or Shelter to be levied by Distress and Sale of his or her Goods as aforesaid and if sufficient distress cannot be found such Offender shall be Committed to prison by such Justice for any Time not exceeding Thirty Days or until the same shall be paid—

AND BE IT ENACTED by the Authority aforesaid that no Person or Persons whatsoever within the Description of this Act shall Travel from any of the other Provinces to this Province without a Certificate under the seal of the County Court of such Province or Parish where he she or they formerly resided and subscribed by one or more of the Justices of the said Court and certified by the Clerk of the same and any Province where no County Courts are held he she or they shall Produce a Certificate or pass from One or more of the Justices of the Parish of such Province where such Person or Persons last resided or shall Travel from Parish to Parish or District to District within this Province without producing a Tickett or Pass from under the Hand and Seal of a Justice or Magistrate of the Place from whence he or they last came and if any such Person shall be detected in making Use of a Counterfeit-Certificate or Pass any Justice of the Peace where such Offenders shall be apprehended by Warrant under his Hand and Seal shall commit him to Prison for Three Days and Order him Corporal Punishment by Whipping as he in his Discretion shall think fit not exceeding fifty Lashes—

And

AND for the better preventing Disturbances among the Indians by Persons Bartering with them in the Woods and also Tresspasses being Committed on the Lands of the Indians BE IT ENACTED by the Authority aforesaid that from and after the Passing this Act it shall not be lawful for any Person or Persons to sell, truck barter or Exchange with any Indian or Indians any Rum or other strong Liquors clothing or any other Thing whatsoever privately in the Woods in their Hunting Grounds or at Cowpens in the Settlements or at any other place other than at Stores or Houses Licensed for that Purpose and for the more ready Discovery of such ill disposed persons the Accusation of affermation of any Indian or Indians or any white person the Accuser and accused being brought face to face shall with other circumstantial Proof be accounted and held a legal conviction of the person offending where no Direct or Positive Proof can be had and every Person so Offending shall be proceeded against agreeable to An Act Entitled AN ACT to prevent Persons from Purchasing Lands from the Indians and for Preventing Persons trading with them without Licence and if such Offender shall not have Effects sufficient whereon to levy the fine Inflicted by the aforesaid Act then in every such Case the Offender shall suffer Corporal Punishment by Whipping not exceeding one hundred Lashes and not less than fifty Lashes, AND the Justices of the peace upon Complaint made of any such Offence are hereby Authorized and Required to bind over the Offender by Recognizance with Sufficient Sureties

for

for his appearance at the next Session of Oyer and Terminer and General Goal Delivery to Answer Such Action or Information as shall be then brought or exhibited against him pursuant to the said Act and for want of Sureties to Commit such Offender to the common Goal

AND BE IT FURTHER ENACTED by the Authority aforesaid that if any person or Persons after the passing of this Act shall presume to Erect or set up any Houses or Hutts on the Land reserved for the Indians as Hunting Grounds or for their Own Use or shall Tresspass thereon by Hunting such person or persons being thereof Convicted in the Manner before mentioned touching Trading or bartering with Indians in the Woods shall be liable to the same Penalty and Punishment as in that Case is inflicted and the Justice before whom the Complaint is made shall or may Order such Hutts and Buildings thereon made or being to be destroyed And shall likewise bind over the Offender for his Appearance at the next Sessions or otherwise Commit him to Goal as before mentioned—

AND FOR THE better Execution of this Act be it ENACTED by the Authority aforesaid that the Justices or any two of them of the Respective Parishes in this Province shall and are hereby impowered to cause to be ERECTED in their several Parishes at the Expense of such Parish a Goal Cage or Place of Security or Hire or Purchase a Building for that Purpose in the most Convenient place in every

every Parish in this Province by an Equal Assessment on the Inhabitants of the several Parishes—

AND WHEREAS it hath been the Common Practice of Many Persons in the Back settlements of this Province to seat themselves without Authority on Lands of the Crown by Building Hutts Clearing of Land and Planting thereon and have also so far assumed to themselves a right to said Land by such seating building and Planting as to sell the same to the next Comer and from thence Removing to some more distant part have Repeated the same Practice to the manifest Detriment of such Purchasers and others who would become usefull Settlers by Cultivating and Improving the said Lands by Authority of the Kings Grant for Remedy whereof BE IT FURTHER ENACTED by the Authority aforesaid that from and after the Passing this Act if any Person or Persons shall be found seating him her or themselves on any Vacant Lands of the Crown building Hutts or Houses or clearing and Planting the same and not having applied for and obtained such Authority for so doing as the Governor or Commander in Chief of this Province in Council shall direct such Person or Persons so Offending shall be deemed Idle and disorderly Persons within the true Intent and meaning of this Act and on Conviction of any such Offender or Offenders before any of His Majestys Justices of the Parish where the Offence may be Committed such Justice or Justices shall and are hereby Required by a written Order under his or their Hands and Seals directed

to

to a lawful Constable of the said Province to warn such Person or Persons so unlawfully settling on the Kings Land to leave the same within three Months after such Warning given, and in Case of Refusal after the Expiration of the said Term the Person or Persons so seated as aforesaid not having applied for and obtained a proper authority for continuing on the said Lands and prove the same before a Magistrate of the said Parish the Justice or Justices aforesaid may and are hereby required to direct any Constable by Warrant for that Purpose to destroy the Hutts building and ffences of such Offender or Offenders against this Act the Expence of such warning or removal to be paid by the offending party if of ability and upon refusal to be levied by Warrant of Distress but if such Offender is not of Ability to pay the same it being duly Proved shall be paid by the Publick in like Manner as for conveying Criminals to Goal

WHEREAS it may be a Considerable time after the Passing of this Act before Prisons or Cages can be erected in the several Parishes for the Confinement of the Offenders against this Act BE IT THEREFORE ENACTED by the Authority aforesaid that until such Time as Prisons or Cages are Erected the Justices may and they are hereby Authorized where Imprisonments of such Offenders is directed by this Act, to punish such Offenders by Whipping not exceeding One hundred Lashes in Proportion to the Nature of the Offense—

AND BE IT FURTHER ENACTED by the Authority

Authority aforesaid that the several Captains of the Militia shall cause this Act to be publickly read by the Clerks of their Respective Companies at the head of such Companies every six Months from and after the Passing of this Act during the Continuence thereof under the Penalty of TEN SHILLINGS on every Clerk who (being so Ordered) shall Neglect or Refuse and of Thirty Shillings on every Captain that shall Neglect or Refuse to Order the same to be read such fforfeitures to be recovered and applied in like manner as other fines inflicted by the Militia Law of this Proivnce.

AND BE IT ENACTED by the Authority aforesaid that this Act shall continue and be in fforce for the Term of Two Years from the Time of Passing thereof and from thence to the End of the next session of the General Assembly and no longer—

By Order of the upper House—

JAMES HABERSHAM President

By Order of the Commons House

LEWIS JOHNSON Speaker

Council Chamber

Assented to 29-th February 1764

JA: WRIGHT.

State

(State Archives.)

An act to direct executors and administrators, in the manner and method of returning inventories and accounts of their testators and entestates estates, and for allowing them and all other persons who shall or may be entrusted with the care and management of minors and other estates, to charge commissions thereon.

Preamble.

1. WHEREAS, for preventing any fraudulent disposition or embezzlement of the estates of persons deceased, it is highly expedient that executors and administrators should be obliged to render true and perfect inventories and appraisements of the estates and effects of their testators and intestates come to their hands and possession; *And whereas* it is also fit and reasonable, that, as well executors and administrators, as all guardians and trustees, shall have an allowance for their trouble and care in the management of the estates committed to their trust; *Therefore be it enacted,* That from and after the passing of this act, all and every executor and administrator who shall, before the ordinary of this province for the time being, or such person as he shall depute or appoint, qualify him, her or themselves, for the administration of the estate and effects of his, her or their testator or intestate, shall, upon oath, be bound to produce and shew to the appraisers that shall be appointed by the ordinary for that purpose, or any three or more of them, all and singular the goods and chattels of his, her or their testator or intestate

Executors and administrators, their duty.

intestate, as have or shall come into his, her or their, or either of their hands, possession or knowledge, and within sixty days after such his, her or their qualification, shall cause to be made a true and just appraisement, upon oath, of all and singular the goods and chattels aforesaid, and exhibit, or cause to be exhibited, the said appraisement, certified under the hands of any three or more of the appraisers aforesaid, within four months after such his, her or their qualification, together with a full and perfect inventory of all and singular the rights and credits of the said testator or intestate, whether the same be in ready money, judgments, bonds, or other specialties, or notes of hand, together with a list or schedule of the books of account of such testator, to which books all parties concerned shall, upon request, and at convenient times, have free access; and every such executor and administrator shall be, and they are hereby made chargeable with the real value of the goods and chattels in the said inventory contained, and with so much of the credits only as he, she or they, after due care and proper diligence, shall recover and receive, in like manner as executors and administrators are made chargeable by the common and statute law of England.

Made chargeable with the value of the goods and chattels inventoried.

Oath of the administrators & executors.

2. *And be it further enacted,* That no letters testamentary, or of administration, shall be granted before the persons applying for the same do severally and respectively take the following oath (*mutatis mutandis*): "You, *A. B.* (if executor) do swear, that you believe this to be the last will of *C. D.* deceased

ceased; or you, *A. B.* (if an administrator) do swear that *C. D.* deceased, made no will, as far as you know and believe, and that you will produce, to shew and inform the appraisers that shall be appointed by the ordinary, all and singular the goods and chattels of the said *C. D.* deceased, as already have or shall, before the day of making the appraisement, come into your hands, possession or knowledge, and that you will well and truly administer all and singular the goods, chattels, rights and credits of the said deceased, and pay his debts and legacies, as far as his estate will extend, and the law charge you; and that you will make a true and perfect inventory of all the rights and credits of the said deceased, whether the same be in ready money, judgments, bonds, or other specialties, or notes of hand, together with a list or schedule of the books of account of such testator and intestate person, and exhibit, or cause to be exhibited, the said inventory and schedule, together with the appraisement of the said deceased's goods and chattels, certified under the hands of three or more of the appraisers aforesaid, into the secretary's office of this province, within the time prescribed by law."

Executors and administrators not allowed to take estates at the appraise value, but must account for the true value thereof.

3. *And whereas,* a custom hath prevailed among executors and administrators of taking estates, or some part thereof, at the appraisement, when such appraisement hath often been under the real value; for prevention whereof for the future, *Be it enacted,* That no executor or administrator shall hereafter be permitted to take any estate, or any part thereof, at the appraisement, and that no appraise-

ment

ment to be made as aforesaid shall be binding or conclusive, either upon the creditors, legatees, next of kin, or other person interested in such estate, or upon the executors or administrators, but all and every such executor and administrator shall be chargeable and accountable for the true value of such estate, any practice to the contrary notwithstanding.

Forty days notice to be given before the sale.

4. *And be it further enacted,* That all intended sales of goods and chattels belonging to testators or intestates, shall be published in two or more public places in the parish where such effects are to be sold, and in the gazette, at least forty days before the day of such intended sale.

Debtors made executors, not released from debts, unless expressly released in the will.

5. *And be it further enacted,* That in case any person in the province shall hereafter happen by his will to appoint his debtor to be his executor, such appointment shall not, in law or equity, be construed or deemed to be a release or extinguishment of any debt due to the testator, unless the testator shall in his will expressly declare his intention to devise, bequeath, or release such debt, any law, usage or custom, to the contrary notwithstanding.

Appraisers to be sworn.

6. *And be it further enacted,* That no appraisers, that shall hereafter be appointed to appraise any testator or intestate's goods and chattels, shall enter upon that office before they shall have taken the following oath, before one of his majesty's justices of the peace of this province, who is hereby empowered to administer the same: "You, *A. B. C. D. E. F.*

Their oath.

E. F. do swear, that you will make a just and true appraisement of all and singular the goods and chattels (ready money only excepted of *G. H.* deceased, as shall be produced by *I. K.* the executor or administrator of the estate of the said *G. H.* deceased, and that you will return the same, certified under your hands, unto the said *I. K.* executor or administrator, within the time prescribed by law."

Bond and security to be given by administrators.

7. *And be it further enacted,* That every person who shall hereafter obtain letters of administration from the ordinary of this province, shall give bond in the secretary's office, with sufficient security to be approved of by the ordinary, according to the statute of the twenty-second and twenty-third years of king Charles the second, for the better settling of intestates estates.

Letters of administration may be granted to a principal creditor in trust for the other creditors.

8. *And be it further enacted,* That no letters of administration shall hereafter be granted by the ordinary of this province to any person or persons whomsoever, as principal creditor or creditors to any intestate, but upon special trust and confidence, and for the benefit of all and singular the rest of the creditors; and that all debts of an equal nature shall be discharged by such administrator or administrators in average and proportion, as far as the assets of the intestate shall extend, and that no preference shall be given among the creditors in equal degree; and that every such administrator and administrators, shall be obliged to sue for such debts which he or they may reasonably expect to recover, or, at the request and proper charges of any of the creditors

Debts of equal degree to be discharged in average as far as assets.

of

of the intestate, assign and empower them, or any of them, to sue for the debts outstanding to the estate of such intestate, any law, usage or custom, to the contrary notwithstanding.

Intestate estates be distributed in 12 months from the death of intestate, or date of the letters.

9. *And,* That no creditor or creditors, to be appointed administrator or administrators in trust, as herein before mentioned, may retain, in his or their hands the monies he or they shall receive by virtue of such administration, longer than necessary. *Be it further enacted,* That every such administrator or administrators, shall within twelve months after the death of his or their intestate, or after his or their obtaining administration thereon, make a dividend of the monies arising from such intestates' estate, and effects, to and among the several creditors in like proportion as aforementioned; and in case such estate and effects shall not then be wholly divided, a second dividend thereof shall be made within two years from the death of the intestate, which second dividend shall be final, unless any suit shall be then depending, or any part of the intestates' estate standing out or unless some future estate of the intestate shall afterwards come to the hands of such administrator or administrators, in which case he or they shall, as soon as may be, convert such future estate into money, and shall within three months after, divide the same, to which effect it shall be inserted in the condition of the bond to be given as aforementioned, on obtaining letters of administration.

Second dividend to be made in two years.

10. *And be it further enacted,* That every executor

ecutor and administrator who shall not, within the time aforesaid, or within such further or other reasonable time as the ordinary shall think fit to give, make and return into the secretary's office aforesaid, such inventory and appraisement as is herein before directed to be made and returned, and who shall make default in mentioning or inserting therein all or any of the credits or effects of his, her, or their testator, or intestate as aforesaid, which came into their hands to be administered, every such executor or administrator shall be, and they, and each of them, are hereby made chargeable with and subject to the payment of all and singular the said testators' and intestates' debts, legacies, and bequests, in the same manner as executors of their own wrong are subjected and made chargeable by the common or statute law of England.

Executors and administrators neglecting their duty, made chargeable as executors in their own wrong.

11. *And be it further enacted,* That it shall and may be lawful to and for all and every executor and administrator, guardian and trustee, for his, her, and their care, trouble and attendance, in the execution of their or either of their several duties and trusts, to take, receive, or retain, in his or their hands, a sum not exceeding fifty shillings for every hundred pounds which he, she or they, shall hereafter receive, except on the appraised value of any estate that shall come into their hands; and the like sum of fifty shillings for every hundred pounds which he, she or they, shall pay away in debts, legacies, or otherwise, (excepting also the delivering up any such estate to the person or persons entitled to the same, during the course and continuation of their

Commissions of executors, &c.

Two and an half per cent. on money received,

and two and an half per cent. on all money paid away.

their, or either of their management or administration,) and so in proportion for any sum, less than one hundred pounds; *Provided nevertheless,* That no executors or administrators, guardian, or trustee, shall, where they have power so to do, for his, her, or their trouble, in letting out and lending any sum or sums of money upon interest, and again receiving the monies so lent and let out, be entitled to receive, take or retain any sum exceeding the sum of twenty shillings for every ten pounds for all sums arising by monies lent to interest, so to be by them received, and in like proportion for a larger or lesser sum: *And provided also,* That no executor, administrator, guardian or trustee, who is or may be creditors of any testator or intestate, or to whom is or may be left or bequeathed any sum or sums of money, or other estate or effects, shall be entitled to any reward or commissions for the payment or retaining to themselves any such debt or legacies, any law, usage or custom to the contrary notwithstanding.

Proviso.

Ten per cent. on interest arising on money lent out by them.

Proviso.

12. But, as it may be very difficult to ascertain the proper and adequate allowance to be made in all cases, and as the sums herein before allowed may not be sufficient compensation for the care, trouble, and pains which executors, administrators, guardians, or trustees, may take in the management of their respective trusts, in some particular cases: *Be it further enacted,* That if any executors, administrators, guardians or trustees, who shall have had extraordinary trouble in the management of the estates under their care, and shall not be satisfied with the sums herein before mentioned, such executors

Executors and administrators may bring suit in the general court for additional commissions.

tors, administrators, guardians, or trustees, shall and may be at liberty to bring an action in the general court of pleas for their services, and the verdict of the jury, and judgment of the court thereupon, shall be final and conclusive in such cases; *Provided always,* that no verdict shall be given for more than fifty shillings per cent. over and above the sums allowed by this act.

They shall not recover more than two and an half per cent.

13. *And be it further enacted,* That the commissions given by this act shall be divided amongst executors, administrators, guardians and trustees, according to the proportion of the services by them respectively performed, to be rated and settled by the chief justice and two of the justices of the general court of pleas, in case the executors, administrators, guardians and trustees cannot agree amongst themselves concerning the same.

Commissions to be divided among them according to their services.

14. *And be it further enacted by the authority aforesaid,* That this act shall be and continue in force for the term of seven years, and from thence to the end of the next session of Assembly, and no longer.

Continuation.

By order of the Upper House,

JAMES HABERSHAM, *President.*

By order of the Commons House,

LEWIS JOHNSON, *Speaker.*

Council Chamber—Assented to 29th February, 1764.

JAMES WRIGHT.

State

(State Archives)

An act to suppress lotteries, and prevent other excessive and deceitful gaming.

Preamble.

1. WHEREAS many good and wholesome statutes of Great-Britain have, from time to time, been enacted and established to prevent lotteries and gaming, and great mischiefs are daily found to arise from such practices, both to trade and the community in general, as many idle, loose and disorderly persons find means thereby to support themselves in a dishonest, dissolute course of life, and the younger sort of people, and others, are frequently drawn in and deceived, to the loss of their time and ruin of their fortunes: *Be it therefore enacted,* That from and after the passing of this act, if any person or persons shall erect, set up, or expose to be played, drawn, or thrown at, or shall cause or procure to be erected, set up, exposed to be played, drawn, or thrown at, any lottery, under the denomination of a sale, or sales of houses, lands, plate, jewels, ships, goods, or other things, or for money, or any undertaking whatsoever in the nature of a lottery, by way of chances, either by dice, lots, cards, numbers, figures, or tickets, or shall make, print, advertise, or publish, or cause to be made, printed, advertised, or published, proposals or schemes for advancing small sums of money, by several persons, amounting in the whole to large sums, to be divided among them by chances of prizes, or shall deliver out, or cause, or procure to be delivered out, tickets to the persons advancing such

Persons erecting lotteries shall forfeit five hundred pounds.

such sums, to entitle them to a share of the money so advanced, according to such proposals or schemes, or shall expose to sale any houses, lands, plate, jewels, ships, or other goods or chattels, by any game, method or device whatsoever, depending upon, or to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine, engine, or device of chance of any kind whatsoever, or shall be adventurers in, or pay any monies or other consideration, or any ways contribute unto any of the said games, lottery, or lotteries, sale, or sales, such person, or persons, and every, or either of them, on being convicted thereof, on the oath, or oaths of one or more credible witness or witnesses, or on the confession of the party or parties accused, shall forfeit and lose the sum of five hundred pounds lawful money of this province, to be recovered by action of debt, or information, in the general court of pleas, the one moiety of such forfeiture to be to his majesty, for the support of the government of this province, and the other moiety to the informer: And all, and every such sale, or sales of houses, lands, plate, jewels, ships, goods, and other things, by any game, lottery, or lotteries, machine, engine, or device whatsoever, depending upon, or to be determined by chance, or lot, shall, and are hereby declared to be void, to all intents and purposes; and whatever shall be so set up, and exposed to sale, shall be forfeited to such person or persons who shall sue for the same, by action, bill, plaint, or information, in his majesty's general court of pleas of this province, wherein

Sales, &c. declared void.

And every thing set up shall be forfeited.

wherein no essoign, protection, wager of law, or more than one emparlance, shall be allowed: And in case of any offender against this act, not having sufficient goods and chattels, whereon to levy the penalty hereby inflicted, or not immediately paying the said penalty, or giving security for payment thereof, it shall and may be lawful for the justices, before whom such person or persons shall be convicted, to commit him or them to prison, there to continue and remain for any time not exceeding twelve months.

Bonds, bills, &c given to secure gaming debts, void.

2. *And be it enacted,* That from and after the passing of this act, all bills, bonds, judgments, mortgages, notes, of hand, or other securities or conveyances whatsoever, given, granted, drawn, or entered into, or executed by any person or persons whatsoever, where the consideration of such conveyance or securities shall be for any monies or other valuable things whatsoever, won by gaming, or playing at cards, dice, tables, tennis, books, or other game or games, bet or bets, chance or chances of any kind whatsoever, or by betting on the sides of hands of such as do game at any of the games aforesaid, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such play to any person or persons so gaming or betting as aforesaid, or who shall during such game so play or bet, shall be utterly void and of none effect to all intents and purposes whatsoever, any statute or usage to the contrary thereof notwithstanding; and where such mortgages, securities, or other conveyances, shall be of lands, tenements, or hereditaments, or shall

shall be such as encumber or affect the same, such mortgages, securities, or other conveyances, shall inure and be to and for the sole use and benefit of, and shall devolve upon such person or persons as should or might have, or be entitled to such lands, tenements, or hereditaments, in case the said grantor or grantors thereof, or the person or persons so encumbering the same, had been naturally dead, and as if such mortgages, securities, or other conveyances, had been made to such person or persons so to be entitled after the decease of the person or persons so encumbering the same; and all grants and conveyances to be made for the preventing such lands, tenements or hereditaments, from coming to, or devolving upon such person or persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect.

Money lost at gaming how to be recovered.

3. *And be it further enacted,* That any person or persons whatsoever, who at any time or times, sitting or sittings, within the space of twenty-four hours, by playing at cards, dice, tables, or other game or games, or by betting on the sides or hands of such as do play at any of the games aforesaid, shall lose to any one or more person or persons so playing or betting, in the whole, the sum or value of five shillings lawful money of this province, and shall pay or deliver the same, or any part thereof, the person or persons so losing and playing or delivering the same, shall be at liberty, within three months then next following, and not after, to sue for and recover the monies or goods so lost and paid or delivered, or any part thereof, from the respective

respective winner or winners thereof, with costs, by a warrant from a justice of the peace, in nature of a warrant for debt, founded on this act, in case the monies or goods so lost and paid or delivered, shall not exceed the value of eight pounds lawful money of this province; and in case the monies or goods so lost and paid or delivered, shall exceed that sum, the loser shall and may recover the same from the winner or winners, with costs, by action of debt, founded on this act, to be prosecuted in his majesty's general court of pleas in this province; in which suit no essoign, protection, wager of law, privilege, or more than one emparlance, shall be allowed, and in such action or suit it shall be sufficient for the plaintiff to alledge, that the defendant or defendants are indebted to him, or received to the plaintiff's use the monies so lost and paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him according to the form of this act, without setting forth any special matter; and in case the person or persons who shall lose such money or other things as aforesaid, shall not, within the time prescribed, really and *bona fide* sue, and with effect prosecute for the monies or other things so by him or them lost and paid or delivered as aforesaid, it shall and may be lawful to and for such person or persons, by any such action or suit as aforesaid, to sue for and recover the same, with full costs of suit, against such winner or winners as aforesaid, unless such winner or winners, within ten days after the winning such money or things, shall repay or redeliver

deliver to the loser such money or things so won and delivered to the loser as aforesaid, together with such costs of suit as may have accrued before the repayment or redelivery of such money or thing, the one moiety of the money or thing so recovered, shall be to the use of the person or persons (other than the person losing) who shall sue for the same, and the other moiety to the use of the poor of the parish where the offence shall be committed.

Gamesters sued to recover back money won by gaming; compelled to discover the amount on oath.

4. And for the better discovery of the monies or things so won and received, and to be sued for and recovered as aforesaid. *It is hereby further enacted,* That all and every person or persons, who by virtue of this present act shall or may be liable to be sued for the same, shall also be obliged and compellable to answer upon oath such bill or bills in equity as shall be preferred against him or them, for discovering the sum or sums of money or other things so won and received at play as aforesaid: *Provided nevertheless,* That upon the discovery and repayment of the money or other thing so to be discovered and repaid as aforesaid, together with the costs that may have accrued, such person or persons shall be acquitted, indemnified and discharged from any further or other punishment, forfeiture or penalty inflicted by this act.

Gamesters winning by fraudulent practices shall forfeit fourfold.

5. *And be it enacted,* That if any person or persons whatever, at any time or times after the passing of this act, by fraud, shift, cozenage, circumvention, deceit or unlawful device, or ill practice whatsoever, in playing at or with cards, or dice, or any

any of the games aforesaid, or in bearing a share or part in the stakes, wagers or adventures, or in or by betting on the sides or hands of such as do or shall play as aforesaid, do or shall win, obtain or acquire to him or themselves, or to any other or others, any sum or sums of money or other valuable thing or things whatsoever, then every such person or persons so winning by such ill practice as aforesaid, being convicted thereof, upon an endictment to be exhibited against him or them for that purpose, shall forfeit four times the value of the sum or sums of money, or other things so won as aforesaid, to the person or persons prosecuting, and also shall suffer such corporeal punishment as the court before whom the same shall be tried shall think fit to inflict, not extending to the loss of life or member.

Persons fighting upon account of gaming shall forfeit twenty pounds and be imprisoned.

Persons fighting upon account of gaming shall forfeit twenty pounds and be imprisoned.

6. And for preventing such quarrels as shall or may happen upon the account of gaming, *Be it further enacted,* That in case any person or persons, upon account of any money won by gaming, playing or betting at any of the games aforesaid, shall assault and beat, or challenge or provoke to fight any other person or persons, such person or persons so assaulting, beating, challenging or provoking to fight, on being thereof convicted, upon an indictment or information to be exhibited against him or them for that purpose, shall forfeit to his majesty, his heirs and successors, the sum of twenty pounds lawful money of this province, for the use of the said province, and shall also suffer imprisonment, not exceeding six months, without bail or mainprize.

7.

Tavern keepers liable to a fine, for suffering gaming in their houses.

7. *And whereas* the occupiers of many licensed public houses, and of other houses wherein liquors are sold, frequently suffer gaming therein, and apprentices, overseers, journeymen, laborers and servants, by means thereof, not only mispend their time, but are often reduced to poverty and distress, *Be it therefore enacted,* That from and after the first day of June next, after the passing of this act, if any person or persons licensed to sell any sorts of liquors, or who shall sell or suffer the same to be sold in his, her or their house or houses, or in any out houses, grounds, or apartments thereto belonging, shall knowingly suffer any gaming with cards, dice, draughts, shuffle boards, billiard tables, skittles, nine-pins, or at or with any other games, or implements of gaming, in his, her, or their houses, out houses, ground, or apartments thereunto belonging, by any apprentices, overseers, journeymen, laborers or servants, and shall be convicted of the said offence, or their own confession, or on the oath of one or more credible witness or witnesses, (exclusive of the person giving information thereof) before any justice or justices of the peace of the parish or place where the offence shall be committed, within thirty days after such offence, he, she or they, so offending, shall forfeit for the first offence the sum of twenty shillings lawful money of this province, and for every like offence he, she or they, shall be afterwards convicted of the sum of forty shillings, to be levied by distress and sale of the offender's goods, by warrant from the justice or justices, before whom such offender or offenders shall

shall be convicted; one moiety of which said forfeitures shall be paid to the church wardens and vestry of the parish or place where the offence shall be committed, for the use of the poor there, and the other moiety thereof to the person or persons on whose information such offender shall be convicted; and for want of sufficient distress, it shall and may be lawful for such justice or justices to commit such offender or offenders to prison, not exceeding ten days, or until the money so forfeited shall be paid.

Apprentices overseers, &c liable to fine and imprisonment for gaming in public houses.

8. *And be it further enacted,* That from and after the said first day of June next, if any apprentice, overseer, journeyman, laborer, or servant, shall game in any house, out house, ground, or apartments thereto belonging, wherein any liquors shall be sold, and shall be thereof convicted, by the oath of one or more credible witness or witnesses, or on his or their own confession, every such offender shall forfeit and pay the sum of ten shillings for every such offence, to be levied by distress and sale, and applied as aforesaid; and in case no sufficient distress can be found shall be committed to prison, not exceeding the space of five days, or until the money so forfeited shall be paid.

The duty and power of justices of the peace in the execution of this act.

9. *And be it further enacted,* That it shall and may be lawful to and for any justice or justices of the peace of any parish or place in this province, and he and they is and are hereby required upon complaint, on oath, of any offence committed against this act, to issue his or their warrant to some constable of the parish, where the offence shall be charged

charged to have been committed, or where the offender shall reside, for bringing before him or them, or some other justice of the same parish, the person or persons charged with such offence, and such justice or justices, are authorized to hear and determine the matter of such complaint, and to proceed to judgment thereupon; and if it shall appear by oath of any credible person, that any one within the said justices' jurisdiction, can give material evidence as to any offender against this act, or on behalf of the person accused, and will not voluntarily appear to be examined, such justice or justices may and shall issue his or their summons, to convene every such person before him or them to be examined on oath, touching the premises; and in case of refusal to be examined without just cause, it shall be lawful for such justice or justices to fine such person or persons in a sum not exceeding forty shillings; and in default of payment thereof in five days, to commit such person to prison for a term not exceeding ten days, or until the said fine shall be paid, and the expence attending such commitment shall be borne and paid by the party or parties offending against this act, if of ability to pay the same, and if not, the same shall be paid by the public, in like manner as is done for conveying criminals to jail.

Competent witnesses under this act.

10. *Provided always, and be it enacted,* That in all proceedings pursuant to this act, any inhabitant of the parish or place where the offence shall be committed shall be deemed a competent witness, and

and shall give evidence, notwithstanding his, her or their being an inhabitant of such parish or place.

Justices may break open doors to seize offenders.

11. *And be it also enacted,* That if any justice of the peace or constable shall receive information from any credible person, or shall himself know, or have reasonable or just cause to suspect that any such persons as aforesaid are gaming, contrary to the intention of this act, in any licensed public house, or other house selling liquors, it shall and may be lawful for such justice or constable, taking with him two credible persons, to enter into the same, demand being first made for so doing; and in case of refusal, to break open the doors of such houses, and to search for, seize and apprehend any person or persons so gaming as aforesaid, in order to his or their being proceeded against for such offence according to law.

Appeal allowed to the general court.

12. *Provided always, and it is further enacted,* That any person or persons who shall think him or themselves aggrieved by the determination of any justice or justices of the peace, may appeal therefrom to the general court of pleas, and the party appealing shall give reasonable notice thereof to the prosecutor, and enter into a recognizance with two sureties for prosecuting the same with effect; and in case the judgment or conviction of such justice or justices shall be confirmed, the party appealing shall pay treble costs.

Public act.

13. *And be it further enacted,* That this act shall be deemed a public act, and shall be taken as such

such by all judges, justices and magistrates, and in all courts within this province, without special pleading; and shall continue in force for the space of seven years, and from thence to the end of the next session of the General Assembly, and no longer. Its continuation.

By order of the Commons House,

LEWIS JOHNSON, *Speaker.*

By order of the Upper House.

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

February 29th, 1764.

(State Archives.)

AN ACT

For continuing several Laws therein mentioned, for regulating the Militia; for the better ordering and governing Negroes and other Slaves; for the impowering Surveyers to lay out public Roads; for laying an Impost on Shipping; and to prevent Horse-stealing.

..WHEREAS the several Laws herein after mentioned are near expiring; We therefore pray your most sacred Majesty that it may be Enacted AND Be Preamble

Enacted

BE IT ENACTED by his Excellency James Wright Esquire Captain-general and Governor in chief of his Majesty's Province of Georgia by and with the Advice and Consent of the honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same That an Act passed the Twenty fourth Day of January in the Year of our Lord One thousand seven hundred and fifty five intituled an Act for regulating the Militia of the Province of Georgia which was to continue and be in Force for three Years and from thence to the End of the then next Session of the general Assembly And by an Act passed the fifteenth Day of March One thousand seven hundred and fifty Eight was amended and further continued until the twenty fourth Day of January One thousand seven hundred and sixty one and from thence to the End of the then next Session of the General Assembly And by an Act passed the ninth Day of June One thousand seven hundred and sixty one was further continued for three Years and from thence to the End of the then next Session of the general Assembly, shall be, and the same is, together with the Alterations and Amendments by the above mentioned Act made, hereby further continued until the first Day of January One thousand seven hundred and sixty five and from thence to the End of the then next Session of the general Assembly.—

That an Act Passed in 1755 for regulating the ts Militia, with the amendm. and continuations in 1758 and 1761 to be further continued until January the 1st. 1765.

AND BE IT FURTHER ENACTED by the Authority aforesaid that an Act intituled an Act for the better ordering and governing Negroes and other

other Slaves in this Province passed the seventh Day of March One thousand seven hundred and fifty five which was to continue and be in force for three Years and from thence to the End of the then next Session of the general Assembly And by an Act passed the twenty seventh Day of March one thousand seven hundred and fifty nine for continuing several Acts of the general Assembly of this Province was further continued until the seventh Day of March One thousand seven hundred and sixty four and from thence to the End of the then next Session of the general Assembly shall be and is hereby further continued until the first Day of January next and from thence to the End of the then next Session of the general Assembly—

An Act pass'd in 1755 for the better ordering & governing Negroes, and the continuation of the same pass'd in 1759 be further continued until the 1st. January 1765.

AND BE IT FURTHER ENACTED by the Authority aforesaid that an Act intituled an Act to impower the several Surveyers hereafter named to lay out public Roads in the Province of Georgia passed the seventh Day of March One thousand seven hundred and fifty five which was to continue for two Years from the passing thereof and from thence unto the End of the then next Session of the general Assembly And by an Act passed the third Day of February One thousand seven hundred and fifty seven intituled an Act for explaining and amending an Act to impower the several Surveyers therein named to lay out public Roads was further continued for two Years from the passing of the last mentioned Act and from thence to the End of the then next Session of the general Assembly And by the before mentioned Act passed the twenty seventh

An Act passed in 1755 to impower Surveyors to lay Public Roads, and the continuation of the same in 1757 and 1759 with the Amendments to be further continued to the 1st. January 1765.

seventh Day of March One thousand seven hundred and fifty nine, with the Alterations and Amendments by the said Act made, was further continued until the seventh Day of March One thousand seven hundred and sixty four and from thence to the End of the then next Session of the general Assembly, shall be, and the same, together with the several Alterations and Amendments thereof, is hereby further continued until the said first Day of January One thousand seven hundred and sixty five And from thence to the End of the then next Session of the general Assembly—

An Act for raising a fund by an Impost on Shipping for keeping the Light House in Repair & for the Pilot House &c pass'd in 1755 and further continued in 1759 is hereby further continu'd until the 1st January 1765.

AND BE IT FURTHER ENACTED by the Authority aforesaid that an Act intituled an Act for raising a Fund by an Impost on Shipping to defray the Expence of keeping the Light House on Tybee Island in Repair, and for building an House there for the Use of the Pilot, passed the seventh Day of March One thousand seven and fifty five and was to continue and be in force for three Years and from thence to the End of the then next Session of the general Assembly, and by the above mentioned Act passed the twenty seventh Day of March One thousand seven hundred and fifty nine further continued to the seventh Day of March One thousand seven hundred and sixty four and from thence to the End of the then next Session of the general Assembly, shall be and the same is hereby further continued to the said first Day of January One thousand seven hundred and sixty five and from thence to the End of the then next Session of the general Assembly—

And

An Act pass'd in 1759 to prevent Horse Stealing &c to be continued until the 1st January 1765.

AND BE IT FURTHER ENACTED by the Authority aforesaid that an Act intituled an Act to prevent stealing of Horses and neat Cattle and for the more effectual Discovery and Punishment of such Persons as shall unlawfully brand mark or kill the same passed the twenty seventh Day of March One thousand seven hundred and fifty nine and which was to continue and be in Force for five Years and from thence to the End of the then next Session of the general Assembly shall be and the same is hereby continued to the said first Day of January One thousand seven hundred and sixty five and from thence to the End of the then next Session of the general Assembly—

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House

JAMES READ Speaker

Council Chamber

29th May 1764

Assented to

JA: WRIGHT.

State

(State Archives.)

An act to prevent frauds and abuses in the admeasuring and laying out his majesty's lands in this province.

Preamble.

1. WHEREAS frauds and abuses have been committed in admeasuring, and laying out his majesty's lands in this province, owing to the practice of bearing the chain by negroes, and by white persons not sworn to the faithful performance of that service, on the several surveys which the deputy surveyors are employed in; whereby it often happens, that the quantity of lands directed to be laid out by the warrant of survey, doth, in the field far exceed the number of acres represented by the plat, returned to be annexed to the grant of such land, and tends to defraud the public of the taxes, and his majesty of his quit rents, on the surplus measure of such incorrect and unjust surveys, which abuse in many instances, is not in the power of the surveyor general, or his deputies timely to detect: to prevent therefore the like injurious practices for the future, and for the better enabling all surveyors to be exact in their surveys, *Be it enacted,* That after two months from the passing of this act, no surveyor shall make any survey of his majesty's lands without chain carriers sworn to measure justly and exactly, according to the best of their knowledge, and to deliver their accounts thereof, truly to the surveyor; which oath every surveyor in the several divisions and parishes of this province, is hereby empowered and required to administer accordingly.

Chain carriers to be sworn by surveyors.

2.

2. *And be it further enacted by the authority aforesaid,* That all deputy surveyors already appointed shall, within two months from the passing of this act, take the following oath before the governor or commander in chief for the time being; and all deputy surveyors that may hereafter be appointed shall in like manner take the same oath, before he enters on the execution of his office, viz. "I, *A. B.* do solemnly and sincerely swear, in the presence of Almighty God, that I will, according to the best of my skill and knowledge, well and faithfully execute the office of a deputy surveyor, and that I will not wittingly or willingly assent to, connive, permit or suffer any fraud or abuse in admeasuring or laying out lands for any person or persons whomsoever; and that I will not postpone executing any warrant, or give undue preference to any person or persons on any account whatsoever; and will in all respects well and truly observe and follow the instructions given me from time to time, by his majesty's surveyor general, So help me God."

Deputy surveyors to be sworn.

Their oath.

3. *And be it further enacted,* That every deputy surveyor, before he enters upon the execution of his office, shall give bond to his majesty, with one or more approved securities, in the penalty of two hundred pounds sterling, for the faithful and honest performance of his office, and for the due observance of the instructions given him by the surveyor general, which instructions shall be recorded by the said deputy surveyors in the secretary's office of this province within thirty days after receiving the same.

Shall give bond and security.

Instructions to be recorded in the secretary's office.

4.

Deputy surveyors shall forfeit one hundred pounds for fraudulent surveyors.

4. *And be it further enacted,* That where any undue or fraudulent survey of lands shall be made by any deputy surveyor, such deputy surveyor for every such offence, upon due proof thereof upon oath by one or more creditable witness or witnesses, shall forfeit and pay a sum not exceeding one hundred pounds sterling, to be sued for and recovered with full costs of suit, in the general court of pleas of this province, by action of debt, bill, plaint or information, wherein no wager of law, privilege or protection shall be allowed, or any more than one emparlance, which penalty so to be recovered shall be one moiety to the person who shall make information thereof, and sue for the same, and the other moiety to the party or parties aggrieved.

How applied.

Continuation of this act.

5. *And be it further enacted,* That this act shall continue and be in force for the space of three years, and from thence to the end of the next session of the General Assembly, and no longer.

By order of the Upper House.

JAMES HABERSHAM, *President.*

By order of the Commons House of Assembly

ALEXANDER WYLY, *Speaker.*

Council Chamber, 5th March, 1765.

Assented to. JAMES WRIGHT.

State

For Better Strengthening and Settling this Province.

(State Archives.)

An act for the better strengthening and settling this province, by compelling the several persons who claim to hold lands within the same, under any grant or grants from his majesty, witnessed by the governor of South-Carolina, to bring or send into this province a number of white persons, or negroes, in proportion to the lands they claim to hold, agreeably to his majesty's royal instructions for granting lands, and to cultivate and improve the same; and for better ascertaining the said several tracts of land, by regulating the surveys and marking the lines thereof, and recording the several plats in the surveyor general's office; also for registering and docketing such grants in the other proper offices in this province.

1. WHEREAS sundry persons hold or claim to hold great tracts and quantities of very valuable lands to the southward of the river Alatamaha, within this province, by virtue of or under grants from his majesty, witnessed by the governor of South-Carolina, on pretence that those lands were then in the said province of South-Carolina. *And whereas* it will be highly prejudicial to this province, in case the said grantees do not bring or send into the same a number of white persons or negroes, in proportion to the lands they hold or claim to hold as aforesaid, agreeable to his majesty's royal instructions for granting lands, in order to cultivate and improve the same, or other lands within this province:

and

And whereas the surveys, or pretended surveys of the said lands, or the greatest part thereof, were made with so much precipitation, that from various informations received, it appears very few, if any of the said tracts of land were actually surveyed, or the lines run, and trees marked, agreeable to the usual and standing instructions in that particular, and which is absolutely necessary for ascertaining the same, by reason whereof not only great frauds and abuses may be committed as well with respect to his majesty's rights, as in diminution of the public or provinical tax, but also for want of the lines being actually run and marked, the taking up and improvement of the other lands contiguous to those granted in Carolina as aforesaid, is greatly obstructed: for few or no lines appearing, and no records or entry of the said plats and grants being made in any of the offices in this province, by which the situation of the said lands may in any wise be discovered, or ascertained; the surveyor general and his deputies cannot know how, or where to execute or run out such warrants for surveying and laying out the contiguous lands, as are now issued by the governor of this province, to or for any person or persons duly qualified to obtain the same; wherefore for remedy of all frauds, abuses, injuries, and inconveniences in and about the premises: *Be it enacted,* That all and every person and persons whatsoever to whom any lands now within this province, have been granted by any grant or grants from his majesty witnessed by the governor of South-Carolina, or their heirs and assigns

All grants of lands witnessed by the governor of South Carolina, &c. south of the river Alatamaha, how to be made known and established.

signs respectively, and all others whatsoever, holding, or claiming to hold any lands within this province under such grants as aforesaid, shall and do within six months from and after his majesty's royal approbation of this act shall be received by the governor or commander in chief of this province for the time being, or notified to him and published in the gazette of this province, appear before the said governor or commander in chief in council, in their own proper persons, or by their attorney or attornies lawfully constituted and appointed, and shall produce his, her and their grant, or grants for from, or under them shall be null and void, and the lands so held, or claimed to be any lands so held or claimed to be held by him, her or them as aforesaid; and if such grantee, or grantees or those claiming under them shall appear personally, then he, she or they, shall make proof upon oath, and in such other and further manner as may be required to the satisfaction of the said governor or commander in chief and council, that he, she or they, respectively have within this province, a family of white persons or negroes, amounting in the whole to the number of one person for every fifty acres of land contained in their respective grant or grants (allowing an hundred acres for the master or head of such family if he shall be come to settle within this province) agreeable to his majesty's royal instructions for granting lands to any of his subjects in this province. And shall also prove upon oath, and give such further satisfaction and assurance to the said governor or commander in chief and council as they shall require

quire, that the negroes so brought into this province by him, her, or them, are brought bona fide, with an intention to settle and improve the lands, so held, or claimed to be held by him, her, or them, or to cultivate and improve other lands within this province, and not with any fraudulent, or secret intention of removing them, or any of them back, or carrying them, or any of them out of the said province again, after having obtained an admission or allowance of his, her, or their qualification in support of the said grant or grants, to and for the lands held, or claimed to be held by him, her, or them respectively.

Such grantees shall exhibit their grants, together with an affidavit, to the governor.

2. *And be it further enacted by the authority aforesaid,* That if such grantee or grantees, or any or either of them, their heirs or assigns, or any other person or persons whatsoever, holding or claiming to hold any lands within this province, under such grants as aforesaid, shall appear by his or their attorney or attornies, that then and in such case, every attorney or attornies shall and do not only produce the grant or grants of his and their constituent or constituents, but also an affidavit made by such constituent or constituents respectively, in the form following, that is to say: "I, *A. B.* of (inserting the person's name and place of abode) do solemnly and sincerely swear in the presence of Almighty God, that I have sent into the province of Georgia (inserting the number) slaves, my own property, and that the said (inserting the number) slaves are by me bona fide intended to remain and be employed in the cultivation of lands or otherwise, in the said province, and that I have not

Form of the affidavit.

not sent the said negroes into that province with a view, or secret intention to obtain an admission, or allowance of my qualification (as required by the act of assembly of the said province in that case made and provided) in support of my grant from his majesty, witnessed by the governor of South-Carolina, for (insert the quantity) acres of land, to the southward of the river Alatamaha, in the said province of Georgia, and after having so obtained such admission or allowance of my qualification as aforesaid in support of the said grant, then fraudulently to remove the said negroes, or any of them, back again, or to carry or send them, or any of them out of the said province: So help me God;" and which said oath shall be made and taken by every such person and persons as aforesaid, before the chief justice of the said province of South-Carolina, for the time being, or one of the assistant judges in the said province, and shall be attested by such judge, and have a testimonial under the great seal of the said province, in the manner usually done in cases of affidavits, transmitted to be made use of as proof or evidence in other provinces and places; and after being produced before the governor or commander in chief of this province in council as aforesaid, the said affidavit and affidavits shall be lodged and remain with the clerk of the council, and on all future occasions whatever, shall be deemed, held, and allowed as legal evidence, either for or against the said party, in all courts and places whatever, within this province. And such attorney or attornies, shall also give such further satisfaction

With a testimonial and great seal of South Carolina annexed.

and

and assurances, as the governor or commander in chief and council shall require.

Absent grantees expelled.

Provided nevertheless, That where any of the said grantees, or those claiming under them, during the time allowed for producing his, her or their grant or grants, and performing the several other matters and things hereby required, shall be absent from the said province of South-Carolina, in Great Britain or elsewhere, that then such absent person or persons, may be permitted to give proof of, and in the premises aforesaid, under the mayoralty seal of any corporation, or if in any other province, then under the seal of such province, instead of the oath hereby required to be made in, and produced under the seal of the province of South-Carolina; and in all other respects to do and perform as is herein required of those who actually reside in South-Carolina, and yet appear by attorney, any thing herein contained to the contrary notwithstanding.

Where and in what time qualifications and grants are to be recorded.

3. *And be it further enacted by the authority aforesaid,* That upon the qualification of any such person or persons as aforesaid, for the lands contained in any such grant or grants, being admitted and allowed of by the said governor or commander in chief and council, all and every such person or persons shall and do, within three months from the time of allowing and admitting such qualification, record his, her or their plat or plats in the surveyor general's office, and register his, her or their grant or grants in the register's office, and also enter a docket thereof in the auditor's office in this province.

And

And if any of the said grantees, their heirs or assigns, or others claiming by, from or under them, shall refuse or neglect, either personally, or by his, her or their attorney or attornies as aforesaid, to produce his, her or their grant or grants, within the said term of six months as aforesaid, from and after his majesty's royal approbation of this act, shall be received by the governor or commander in chief of this province for the time being, or notified to him and published in the gazette of this province as aforesaid, or either, personally or by his, her, or their attorney or attornies as aforesaid, to make proof and give such assurance as aforesaid, to the satisfaction of the said governor or commander in chief and council as aforesaid, with respect to their qualification, to have and to hold the lands respectively claimed by them as aforesaid, and to cultivate and improve the same, or other lands within this province, or to record their plat or plats, or to register and docket their grant or grants, after his, her, or their claim, or qualification, allowed as aforesaid, within the time limited as aforesaid, for that purpose; that then in any, or either of the said cases of refusal or neglect to do any or either of the matters and things herein and hereby required, the said grant, and grants shall be null and void, and the said lands so held or claimed to be held by such person or persons respectively, is hereby expressly declared to be forfeited to, and revested in his majesty, his heirs and successors, and shall from thenceforth be deemed held, and taken to all intents and purposes as vacant land, and it shall and may be lawful

All grants declared void and forfeited on forfeiture to comply with this act.

lawful to and for the governor or commander in chief of this province for the time being, with the advice of the council, to order warrants for surveying, and to proceed to grant the same to any person, or persons whatever pursuant to his majesty's royal commission and instruction for that purpose.

Lands improperly surveyed to be resurveyed.

4. *And be it further enacted by the authority aforesaid,* That if on producing the said grants or any or either of them, it shall appear by the plats annexed to the same, and certified by the surveyor general of South-Carolina, that the said lands have not been actually surveyed and admeasured, the lines and trees thereon not being set down and marked according to the direction of the usual and standing instructions given for surveying and admeasuring lands, and for marking the lines and returning the plats thereof; or if the said governor or commander in chief and council shall have any other cause or reason to believe the said lands have not been actually admeasured as aforesaid, or that any abuse has been committed in the surveying and admeasuring the same, that then, and in either, and every such case, before the said grants are registered and docketed in the offices aforesaid, it shall and may be lawful for the governor or commander in chief in council, to order the said lands to be resurveyed, and every such tract of land shall within six months thereafter be accordingly resurveyed by the surveyor general of this province, or such person or persons as he shall appoint at the expence, costs, and charges of the respective grantees, or those

those claiming to hold under them, so that the situation and quantity of land specified in such grant may be known and ascertained, and that all frauds and abuses and other inconveniences may be prevented.

Or else the grant to be void.

5. *And it is hereby further enacted and declared by the authority aforesaid,* That if any person or persons whose plat or plats annexed to his, her or their grant or grants shall appear irregular and defective as aforesaid, or who shall for any other cause or reason, by order of the governor or commander in chief in council, be directed to get the lands they claim to hold resurveyed as aforesaid, shall refuse, neglect or delay to cause and procure such resurvey to be made and returned into the said surveyor general's office, within the time limited as aforesaid, for that purpose, that, then and in every such case, the said grant and grants for the lands so held, or claimed to be held by such grantee, or grantees respectively, and all others claiming to hold, by, from, or under them shall be null and void, and the lands so held, or claimed to be held by such person or persons respectively, is hereby expressly declared to be forfeited to, and revested in his majesty, his heirs and successors, and shall from thenceforth be deemed, held, and taken to all intents and purposes as vacant land, and it shall and may be lawful to, and for the governor or commander in chief of this province, for the time being, with the advice of the council to order warrants for surveying, and to proceed to grant the same to any person or persons whatsoever, pursuant to his majesty's royal commission and instructions for that purpose.

And may be regranted.

6.

This act suspended till his majesty's approbation.

6. *And be it further enacted by the authority aforesaid,* That neither this act, nor any thing therein contained shall be of any force or effect, but the same wholly suspended, until his most sacred majesty's royal approbation and allowance thereof shall be signified to the governor or commander in chief of this province, for the time being, any thing herein before contained to the contrary thereof in any wise notwithstanding.

By order of the Upper House.

JAMES HABERSHAM, *President.*

By order of the Commons House of Assembly.

ALEXANDER WYLY, *Speaker.*

Council Chamber, March 25, 1765.

Assented to. JAMES WRIGHT.

(State Archives.)

AN ACT

for raising a Fund by an Impost on Shipping, to defray the Expence of Keeping in Repair or rebuilding the Light house and Pilot House on Tybee Island

WHEREAS the Light House on Tybee Island is of

of general Benefit to all Ships or Vessels trading to this and the neighbouring Provinces WE humbly pray your most sacred Majesty, that it may be enacted, and be it enacted by his Excellency James Wright, Esquire Captain general and Governor in Chief of his Majesty's Province of Georgia, by and with the Advice and Consent of the Honorable Counsil and Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same That all Masters of Vessels trading to any Port or Place within this Province shall every Voyage before their Departure pay into the Publick Treasury of this Province the Sums herein after mentioned for their respective Vessels, to be applyed for Keeping in Repair or rebuilding the Light House and Pilot House on Tybee Island, that is to say for every Ship One Pound seven Shillings and sixpence, for every Snow, Brigg, Polacco, or Settee one Pound two Shillings and six pence, for every Sloop or Schooner of eighty Tons or upwards seventeen Shillings and sixpence and for every Sloop or Schooner under that Burthen fifteen Shillings, Provided always that this Act do not extend to Sloops Schooners Perriaguas or Rice Boats built in, or wholly owned in this Province tradeing within the same, or to the Province of South Carrolina or East Florida; but that the Master or Owner of such Sloops Schooners. Perriaguas or Rice Boats, shall Immediately after passing this Act, and on the eighth Day of September annually take out a License from the Treasurer of this Province acknowledging the Receipt of the Rates hereinafter

mentioned

Mentioned and giving Permission to the said Boat Perriagua, &C^{t}. to go and come to and from Any Part of this Province or Provinces aforesaid free of Impost for the Term therein Specified, Provided that this Act shall not extend or be Construed to extend to exempt such Boats, Perriaguas &C^{t}. from entering and clearing in the several Offices of this Province as Usual and shall pay to the said Treasurer the following Rates, that is to say, for every ten Barrels of Rice, such Sloop, Schooner, Perragua, or Rice Boat can carry, four Shillings Sterling, And Provided also, that no Ship, Snow, Brigg, Piolacco, Settee, Sloop or Schooner, built in or wholly owned in this Province, shall be subject or liable to pay more than one half of the above Rates, and in Case of Neglect or Refusal of any Person liable by this Act to take out such License and pay any of the above Rates, every such Defaulter shall be subject and liable to a Penalty not exceeding ten Pounds Sterling which shall and may be recovered by the said Treasurer, by Warrant of Distress and Sale of the Offender's Goods, to be applyed as is herein before directed, which said Treasurer shall be obliged to render a fair Account of all Monies received by Virtue of this Act to the General Assembly, when thereunto required. - - - -

AND BE IT ENACTED by the Authority aforesaid, that from and after the passing of this Act, the Owner, Master, or Commander of any Ship or other Vessel built in, or wholly owned in this Province shall not be liable to pay more than one half of the Charges or Fees for Entry and Clearance in the several

several Offices in this Province, Anything in this or any former Act to the contrary in any wise notwithstanding AND BE IT FURTHER ENACTED by the Authority aforesaid, that this Act shall continue in Force for three Years, and from thence to the End of the next Sessions of the general Assembly, and no longer. - - - - -

By Order of the upper House

JAMES HABERSHAM President

By Order of The Commons House of Assembly

ALEX WYLLY Speaker

Council Chamber

25th March 1765

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT

For building a Fort and Barracks within the same on the lands reserved for the use of the Public near the Town of Augusta, in the parish of Saint Paul, a Guard House in Savannah, and repair-

ing

ing the Barracks in the Fort, in the town of Frederica on the Island of S^t^ Simon, and for granting to his Majesty the sum of Six Hundred and fifty pounds Sterling to defray the Expence of the same, also for appointing and impowering Commissioners to issue Certificates for the said purposes

WHEREAS the Fort at Augusta, the Guard House at Savannah, and the Barracks in the Fort in the town of Frederica, on the Island of S^t^ Simon are now in a ruinous Condition therefore for the building and repairing of which, We pray your most Sacred Majesty that it may be enacted AND BE IT ENACTED by his Excellency JAMES WRIGHT ESQUIRE Captain General and Governor in Chief in and over his Majesty's Province of Georgia by and with the Advice and Consent of the Honourable Council, and Commons House of Assembly of the said Province in general Assembly met, and by the authority of the same, that the Persons hereafter named respectively shall be and they are hereby nominated and appointed Commissioners for constructing, erecting, ordering and building a Fort and Barracks within the same on the lands reserved for the use of the public near the town of Augusta in the parish of Saint Paul, a Guard House in Savannah, and repairing the Barracks in the Fort in the town of Frederica on the Island of Saint Simon, in such manner as they the said several and respective Commissioners or the majority of them shall judge most fit and convenient for the purposes hereby intended.

And

For Building a Fort and Barracks.

AND BE IT FURTHER ENACTED by the authority aforesaid that the said Commissioners shall be and they are hereby required immediately after the passing of this Act to assemble and meet together at the most convenient place respectively in each Parish, and to set about the Building and repairs hereby directed and cause the same to be accordingly performed without delay.

AND BE IT FURTHER ENACTED by the authority aforesaid that the several Persons herein after named shall be and they are hereby nominated and appointed Commissioners respectively for executing and performing the several matters aforesaid agreeable to the intent and meaning of this Act, that is to say, For building the Fort and Barracks within the Same, on the lands reserved for the use of the public near the town of Augusta in the parish of Saint Paul; Edward Barnard, John Francis Williams, Thomas Waters Esquires, the Commanding Officer of any detachment of his Majestys forces doing Duty in the said town for the time being— John Rae, Francis Macartan, James Jackson, William Truan Esquires and Robert Germany—For building the Guard House in Savannah, the Honourable James Edward Powell Esquire, John Milledge Esquire, Sir Patrick Houstoun Baronet, William Ewen and John Simpson Esquires, For repairing the Barracks in the Fort at Frederica, Raymond Demere, Robert Baillie, Lachlan M^{c}Intosh, James Forrester Esquires and John Polson.

AND BE IT FURTHER ENACTED by the authority

authority aforesaid that the Commissioners herein before named, or a Majority of them respectively shall be, and they are hereby severally authorized and impowered to carry this Act into Execution PROVIDED nevertheless AND IT IS HEREBY ENACTED, that his Excellency JAMES WRIGHT ESQUIRE, or the Governor or Commander in chief for the time being shall and may from time to time give such orders and directions to the several Commissioners aforesaid respectively as he shall think proper for carrying on the said Work which orders and directions the several Commissioners herein before appointed are required to observe and follow.

AND BE IT FURTHER ENACTED by the authority aforesaid, that if any Person or Persons shall in any wise willfully damage or destroy any materials whatsoever provided for the use of the several works hereby directed or that shall deface or in any wise injure or destroy any part of the said Fort, Guard House, or Barracks, whilst the same are building or afterwards when built and completed, or any ditch, Fences or outworks thereunto respectively belonging every such Offender or Offenders shall forfeit and pay double the value of the damage so done to any of the said Works, or materials. And if any Slave shall be guilty of any of the offences before mentioned that then upon due conviction thereof before any Justice of the Peace of any parish in the said Province, the said Justice shall and is hereby required to cause such slave for the first offence to be publickly whipt on the bare back

back, not exceeding Sixty lashes, and for every like Offence repeated such Slave shall be punished in the like manner, but if the damage done by such Slave or Slaves shall exceed the value of Five pounds, it shall be deemed Felony, and shall be tryed as directed by an Act intituled an Act for the better ordering and governing of Negroes and other Slaves in this province, and to Prevent the inveigling or carrying away Slaves from their Masters or Employers, unless the Owner of such Slave or Slaves shall pay or make good the said damage. AND to the intent that no Person may plead ignorance thereof the said Commissioners shall at their first meeting or within ten days after cause the foregoing Clause of this Act or the substance to be advertised in the most publick place in the Towns of Augusta, Savannah and Frederica.

AND WHEREAS at the time of passing an Act of the General Assembly of this Province intitled an Act for amending an Act intitled an Act for the better regulating the Town of Savannah, and ascertaining the Common thereunto belonging, The Lot of Land known in the plan of the said Town by Letter E (whereon the Council House formerly stood) was claimed by William Bradly as his private property, which Claim has been since disallowed BE IT THEREFORE ENACTED by the authority aforesaid that the said lott of land known by letter E in the plan of the said Town as aforesaid shall be and is hereby appropriated for building a Guard House thereon, and shall for ever hereafter be deemed a public lot: And the Commissioners herein before appointed

appointed are fully authorized and impowered to use or dispose of, for the use of the said Guard House, the materials now on the said lot.

AND BE IT FURTHER ENACTED by the authority aforesaid, that all and every the fines and forfeitures under Eight pounds which shall become due by virtue of this Act shall be sued for and recovered as is directed by the Act for the more easy and speedy recovery of small Debts and Damages, and all fines and forfeitures above Eight pounds shall and may be sued for by Bill, plaint, or information in the General Court of pleas, wherein no Essoign, priviledge, protection or stay of prosecution shall be admitted or allowed, and the several and respective fines and forfeitures to be recovered shall be one Moiety to his Majesty for keeping in repair the said Fort, Guard House and Barrack the other Moyety to the informer And in case the Offender or Offenders shall not have wherewith to pay such fine then he, she, or they shall be committed to the common Goal for a Term not exceeding three months.

AND for as much as the several Works herein before mentioned and directed to be done are immediately wanted BE IT FURTHER ENACTED by the Authority aforesaid that the sum of Six Hundred and fifty pounds Sterling be granted to his Majesty to be raised and disposed of as is herein after mentioned, and to be sunk by a General Tax within the Term of Three years, that is to say, for the Fort and Barracks within the same on the lands reserved

reserved for the use of the Public near the town of Augusta in the parish of Saint paul a Sum not exceeding Four hundred pounds; For the Guard house in Savannah a Sum not exceeding One hundred pounds; For repairing the Barracks in the Fort in the town of Frederica on the Island of Saint Simon a Sum not exceeding One hundred pounds.

AND BE IT FURTHER ENACTED by the authority aforesaid, that it shall and may be lawfull to and for the Commissioners, herein after appointed and they are hereby authorized and required immediately from and after the passing of this Act to Stamp, imprint and sign paper Certificates to the amount of the said Sum of Six Hundred and fifty pounds Sterling in Bills of One Pound each which Certificates shall be of the Tenor and in the words following and with such devices as the said Commissioners shall think proper, to wit, This Certificate of One pound Sterling due from his Majestys Province of Georgia for building a Fort in the parish of Saint paul, a Guard House in Savannah, and repairing the Barracks in Frederica shall pass current and be taken in all payments to the Treasurer of this Province untill the Thirtieth day of December in the year of our Lord God One Thousand seven hundred and Sixty eight and no longer dated the day of anno domini One Thousand Seven hundred and Sixty five.

AND BE IT FURTHER ENACTED by the authority aforesaid that the Honourable Noble Jones, Lewis Johnson, and Alexander Wylly Esquires

quires, Sir Patrick Houstoun Baronet and William Ewen Esquire, shall be and they are hereby nominated and appointed Commissioners for stamping imprinting and signing the Certificates aforesaid, according to the intent and meaning of this act.

AND BE IT FURTHER ENACTED by the authority aforesaid that the said Commissioners shall deliver into the Hands of the Treasurer of this province, the sum of Six Hundred and fifty pounds in the said Certificates first deducting the Expence of imprinting the same and the said Treasurer is hereby required to apply the sum so delivered to him by order of the Governor and Council for the uses and purposes directed and intended by this Act PROVIDED ALWAYS and it is hereby ENACTED that the said Treasurer shall and he is hereby required upon any Certificate being tendered to him in order to be exchanged at any time within Six months after the expiration of the time limited by this Act for calling in the same to take such Certificate and give other Money in exchange thereof out of any publick Money that may be then in his hands to the amount of the full value for which such Certificate shall have been issued.

AND BE IT FURTHER ENACTED by the authority aforesaid, That if any Person or Persons whatsoever shall forge or Counterfeit any of the said Certificates by this act directed to be stamped and imprinted or shall utter or tender in payment such forged or Counterfeited Certificates knowing them to be forged or counterfeited, or shall counsel, advise

advise procure or in any wise assist in the forging, Counterfeiting, stamping, imprinting, or signing of any such false Certificate or Certificates, or that shall Engrave any Plate or make any other Instrument to be used in making any such false or counterfeit Certificates; that then every such Offender or Offenders being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer death as a Felon, without benefit of Clergy.

AND BE IT FURTHER ENACTED by the authority aforesaid that in case any of the said Certificates shall be torn or in any part thereof wanting that then the said Treasurer shall not receive such Certificates for any value whatsoever; unless the Words One Pound Sterling and the name of three of the Commissioners with part of the device be remaining, but if the words One pound Sterling, and the name of three of the Commissioners together with part of the device be remaining, then the said Treasurer shall take such torn Certificate for the full value for which it was first Issued and shall take credit for it accordingly.

AND BE IT FURTHER ENACTED by the authority aforesaid that in case of refusal to act, death, absence, or any other accident there shall not be a sufficient Number of Commissioners for performing any of the Services aforesaid that the major part of the Commissioners for the Fort, Guard house, Barracks, and stamping, imprinting the Certificates where such vacancy shall happen, shall with the approbation of the Governor or Commander in chief

chief nominate and appoint such other Commissioner or Commissioners in the room of him or them so refusing to act, dying or being absent as shall be necessary for the carrying on and perfecting the Business intended by this act which Commissioner or Commissioners so to be appointed shall have the same power and authority as the Commissioners herein before appointed.

AND BE IT FURTHER ENACTED by the authority aforesaid, that the said Commissioners shall when thereunto required respectively give an account to the general Assembly of this province of all and every Act and proceedings done and performed by virtue of and in pursuance of this act.

By Order of the Upper House

JAMES HABERSHAM President

By Order of The Commons House of Assembly

ALEX WYLLY Speaker

Commons House
25th March 1765

Assented to—

JA: WRIGHT.

For the Better Ordering and Governing Negroes.

(State Archives.)

AN ACT

For the better Ordering and Governing Negroes and other Slaves in this Province and to prevent the inveigling or carrying away Slaves from their Masters or Employers.

WHEREAS Slavery has been introduced and allowed in His Majesty's Colonies in America and the People called Negroes, Indians, Mulattoes and Mestizo's have been deemed absolute Slaves, and the Subjects of Property in the Hands of Particular Persons the extent of whose Power over such Slaves ought to be settled and limited by positive Laws, so that the Slaves may be kept in due Subjection and Obedience, and the Owners and other Persons having the Care and Government of Slaves may be restrained from exercising rigour and Cruelty over them and that the Public peace and Order of this Province may be preserved; WE Therefore pray your most sacred Majesty That it may be Enacted. AND BE IT ENACTED by his Excellency James 1st Wright Esquire Captain General Governour and Commander in Chief in and over his Majesty's Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province, in general Assembly met and by the Authority of the same That all Negroes, Indians, (Free Indians in Amity with this Government and Negroes, Mulattoes, or Mestizo's who now are or shall hereafter become free

free excepted) Mulattoes or Mestizo's who now are, or shall hereafter be in this Province and all their Issue and Offspring born, or to be born shall be and they are hereby declared to be and remain for ever hereafter absolute Slaves and shall follow the Condition of the Mother; and shall be deemed in Law to be Chattels personal in the Hands of their Owners and Possessors, and their Executors, Administrators and Assigns to all intents and purposes whatsoever. PROVIDED always that if any Negroe, Indian, Mulatoe, or Mestizo; or any Person or Persons whatsoever on his or her behalf, do apply to the Chief Justice or Justices of His Majesty's general Court by Petition or motion either during the sitting of the said Court, or before the Chief-Justice or any of the Justices of the same Court, at any time in the Vacation. AND The said Chief-Justice or any of the Justices shall and he and they is and are hereby fully impowered to admit any Person so applying to be Guardian for any Negroe, Indian, Mulatoe or Mestizo claiming, his her or their Freedom and such Guardians shall be enabled, intituled and Capable in Law to bring an Action of Trespass in the Nature of Ravishment of Ward, against any Person who shall claim property in or shall be in possession of any such Negroe, Indian, Mulatoe or Mestizo AND The Defendant shall and may plead the general Issue, or such Action brought and the special matter may and shall be given in Evidence and upon a general or special Verdict found, Judgment shall be given according to the very right of the Cause without having any

regard

regard to any defect in the proceedings, either in form or substance; and if Judgment shall be given for the Plaintiff a special entry shall be made declaring that the Ward of the Plaintiff is free, and the Jury shall assess Damages which the Plaintiffs Ward hath sustained and the Court shall give Judgment and Award Execution against the Defendant for such Damages with full Costs of Suit, but in Case Judgment shall be given for the Defendant the said Court is hereby fully impowered to Inflict such Corporal Punishment not extending to Life or Limb on the Ward of the Plaintiff as they in their discretion shall think fit PROVIDED ALWAYS That in any Action or Suit to be brought in pursuance of the Direction of this ACT The Burthen of the proof shall lay on the Plaintiff and it shall be always presumed that every Negroe Indian, Mulatoe and Mestizo is a Slave the Indians in amity with this Government excepted in which Case the burthen of the proof shall lay on the Defendant. AND BE IT FURTHER ENACTED by the Authority aforesaid that in every Action or Suit to be brought by any such Guardian as aforesaid appointed pursuant to the direction of this Act, The Defendant shall enter into a Recognizance with one or more Sufficient Sureties to the Plaintiff in such Sum as the said General Court shall direct with condition, that he shall produce the Ward of the Plaintiff at all times when required by the Court unless such Defendant shall prove upon Oath to the Satisfaction of the said Court his Inability to produce such Ward and that whilst such Action or Suit shall be depend- 2d

ing

ing and Undetermined, the Ward of the Plaintiff shall not be abused or mis-used AND for the better keeping Slaves in due order and Subjection BE IT FURTHER ENACTED by the Authority aforesaid, That no Person whatsoever shall permit or suffer any Slave under his or their Care or Management and who lives or is employed in Savannah or any other Town in this Province to go out of the Limits of the said Town or Towns or any such Slave who lives in the Country to go out of the Plantation to which such Slave belongs or in which Plantation such Slave is usually employed without a Tickett signed or Subscribed by the Master or other Person having the Care or Charge of such Slave or by some other Person by his or their Order Direction and consent. AND every Slave who shall be found out of the Town of Savannah, or any other Town, if such Slave lives or is usually employed there or out of the Plantation to which such Slave belongs or in which such Slave is usually employed, if such Slave lives in the Country without a Letter or a Tickett as aforesaid, or without a White Person in his Company shall be punished with Whipping on the bare back not exceeding twenty lashes. AND BE IT FURTHER ENACTED by the Authority aforesaid that if any Person shall presume to give a Tickett or License to any Slave who is the Property or under the Care or Charge of another without the Consent of the Owner or other Person having the Charge of such Slave he, She or they shall forfeit to the Owner the Sum of Five Pounds over and above the Damage that

3d.

4th.

5th

that may accrue to such Owner by the absence of such Slave. AND BE IT FURTHER ENACTED by the Authority aforesaid that if any Slave who shall be out of the House or Plantation where such Slave doth live or is usually employed or without some White Person in Company with such Slave shall refuse to submit to the Examination of any White Person it shall be lawful for any such White Person to pursue, apprehend and moderately correct such Slave and if such Slave shall Assault and Strike such White Person such Slave may be lawfully killed PROVIDED always AND BE IT FURTHER ENACTED by the Authority afore- 6th.
said That if any Slave who shall be employed in the Lawful Business or Service of his Master, Owner, Overseer or other Person having the Charge of such Slave shall be beaten, bruised maimed or disabled by any Person or Persons not having sufficient Cause for so doing (of which Cause any Justice of the Peace respectively may Judge) every Person and Persons so Offending shall for every such Offence; forfeit and pay the sum of five Shillings Sterling over and besides the Damages hereinafter mentioned to the Use of the Poor of the Parish in which such Offence shall be committed. AND if such Slave or Slaves shall be maimed, or disabled, by such beating from performing his or her Work, such Person and Persons so Offending shall also forfeit to the Owner of such Slave or his or her lawful Attorney a sum not exceeding two Shillings ℔r. Diem for every Day of his lost Time and also the Charge of the Cure of such Slave and Satisfaction

tion shall also be made to the Owner for the Damage done to such Slave and the Damage to be Ascertained by two Freeholders of the Neighbourhood to be Named by the Owner or his or her Attorney and the other by the Offender. And in Case the said Offender will not Name one Freeholder on his part then such freeholder to be Named by any Justice to whom the party aggrieved shall Apply AND The said Penalty and Damages shall upon lawful proof thereof made be recoverable before any one of His Majesty's Justices of the Peace AND such Justice before whom the same shall be recovered shall have Power to Commit the Offender or Offenders to Goal, if he, she or they shall produce no Goods on which the said Penalty and Damages may be levied, there to remain without Bail until such Penalty and Damages, shall be paid, any Law, Statute Usage or Custom, to the Contrary Notwithstanding.

7th. AND BE IT FURTHER ENACTED by the Authority aforesaid That it shall and may be lawful for every Justice Assigned to keep the Peace in this Province, within his Respective Parish, upon his own Knowledge or view or upon Information received upon Oath, either to go in Person or by Warrant or Warrants directed to any Constable or other Person to Command to their Assistance any Number of Persons as they shall see Convenient to disperse any Assembly or Meeting of Slaves which may disturb the Peace or endanger the safety of his Majesty's Subjects, and to search all suspected Places, for Arms, Ammunition or Stolen Goods and

to

to apprehend and secure all such Slaves as they shall suspect to be Guilty of any Crimes or Offences whatsoever and to bring them to speedy Trial according to the Direction hereafter given by this ACT; And in Case any Constable or other Person shall refuse to Obey or Execute any of the Warrants or Precepts of such Justices, or any of them within their several Parishes or shall refuse to Assist the said Justices or Constables, or any of them when Commanded and required; such Person or Persons shall forfeit and pay for every such Offence a sum not exceeding Twenty Shillings Sterling to be recovered by a Warrant under the Hand and Seal of any other Justice of the Peace. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person shall be maimed, wounded or disabled, in pursuing, Apprehending or taking any Slave that is runaway, or Charged with any Criminal Offence or in doing any other Act, Matter or Thing, in Obedience to or in pursuance of the Direction of this Act, he shall receive such reward from the Public, as the general Assembly shall think fit; And if any such Person shall be killed his heirs, Executors or Administrators, shall receive the like reward. AND WHEREAS, Natural Justice forbids, that any Person of what Condition soever, should be Condemned unheard, and the Order of civil Government requires, that for the due and equal Administration of Justice; some Convenient method and Form of Trial should be established BE IT THEREFORE ENACTED by the Authority aforesaid; That all Crimes and Offences which shall be Committed by

8th:

9th.

Slaves

Slaves in this Province, and for which Capital Punishment shall or lawfully may be inflicted, shall be heard, examined, tried adjudged and finally determined by any two Justices Assigned to keep the Peace, and any Number of Freeholders not less than five or more than Seven in the Parish where the Offence shall be Committed and can be most Conveniently Assembled either of which Justices on Complaint made, or Information received of any such Offence Committed by a Slave, shall Commit the Offender to the Work-House if any or to the safe Custody of the Constable of the Parish where such Offence shall be Committed, and shall without Delay, by Warrant under his hand and Seal; call to his Assistance, and request any one of the nearest Justices of the Peace to Associate with him, and shall by the same Warrant Summon such a Number of the Neighbouring Freeholders as aforesaid to Assemble and meet together with the said Justices, at a Certain Day and Place appointed by said Justices not exceeding three Days after the Apprehending of such Slave or Slaves unless for want of sufficient and positive Proof it may be necessary to delay the same; and the Justices and Freeholders being so Assembled shall cause the Slave accused or Charged, to be brought before them, and shall hear the Accusation which shall be brought against such Slave and his or her defence, and shall proceed to the Examination of Witnesses and other Evidence and finally hear and Determine the matter brought before them in the most Summary and Expeditious manner; And in Case the Offender shall

be

be convicted of any Crime for which by Law he ought to suffer Death, The said Justices shall give Judgment and award and Cause Execution of their Sentence to be done by inflicting such manner of Death, and at such Time as the said Justices shall Direct, and which they shall Judge will be most effectual to deter others from Offending in like manner PROVIDED NEVERTHELESS That in all and every Trial for any Offence committed by any Negroe or other Slave against this present or any former Act Where such Slave shall be capitally convicted of such Offence it shall and may be lawfull for the Justices on such Trial in Case any favourable Circumstances shall appear to suspend the Execution of such Sentence until the Matter can be laid before the Governour or Commander in chief and his Pleasure known therein. AND BE IT FURTHER ENACTED by the Authority That if 10th any Crime or Offence not Capital shall be committed by any Slave such Slave shall be proceeded against and tried for such Offence in the manner herein before Directed by any one Justice of the Peace and any two Freeholders of the Parish where the Offence shall be committed and can be most conveniently Assembled and shall proceed upon Trial of any Slave who shall commit any Offence not Capital in like manner as is hereinbefore Directed for Trying of Cases Capital AND in Case any Slave shall be convicted before them of any Offence not Capital the said Justice shall give Judgment for the Inflicting any Corporal Punishment not extending to the taking away Life or Member as he in his discretion

cretion shall think fit and shall award and Cause Execution to be done accordingly. PROVIDED ALWAYS That if the said Justice upon Examination of any Slave Charged or accused before him for an Offence not Capital shall find the same to be a greater Offence and may deserve Death he shall with all convenient speed summon to his Assistance another Justice and three or more Freeholders not exceeding five which said Justices shall proceed in the Trial and unto final Judgment and Execution if the Case shall so require in manner herein before directed for the Trial of Capital Offences AND

11th. BE IT FURTHER ENACTED by the Authority aforesaid That so soon as the Justice or Justices shall be Assembled as aforesaid in pursuance of the Direction of this ACT The said Freeholders shall take the following Oath, I, A, B, do Solemnly Swear in the presence of Almighty God That I will truely and Impartially try the Prisoner or Prisoners brought upon his her or their Trial and a true Verdict give according to Evidence to the best of my Knowledge so help me God. And for preventing the concealment of Crimes and Offences committed by Slaves and for the more effectual discovery and bring Slaves to condign Punishment BE

12th. IT FURTHER ENACTED by the Authority aforesaid That the Evidence of any free Indians or Slaves not instructed in the profession of the Christian Religion and Baptized without Oath shall be allowed and admitted in all Causes whatsoever for or against another Slave accused of any Crime or Offence whatsoever the weight of which Evidence being

being seriously considered and compared with all other Circumstances attending the Case shall be left to the Conscience of the Justices and Freeholders. WHEREAS no Provision hath hitherto been made by any Law of this Province for giving any further Protection Priviledge and Encouragement or for the Trial and Punishment of Persons born of free Parents being Mulattoes or Mestizo's than to real Slaves and their Issue whereby such Persons so born free have been discouraged to come into this Province BE IT THEREFORE ENACTED 13th. by the Authority aforesaid That all Persons male and Female of what Nation or Colour soever being born of free parents and now are or hereafter may come into this Province and give good Testimony of their humble duty and loyalty to his Majesty and their Obedience to the Laws and their Affection to the Inhabitants of this Province may be intituled to an Act of Assembly for Naturalizing them, and each of them, whereby they, their Wives, and Children may have, Use and enjoy, all the Rights, Priviledges, Powers and Immunities whatsoever which any Person born of British parents within this Province, may, can, might, could or of Right ought to have, Use or enjoy except to vote for or be Elected a Member to serve in the general Assembly of this Province and from thenceforth be adjudged, reputed and taken to be in every Condition, Respect and Degree as free to all Intents, Purposes and Constructions as if they had been and were born of British Parents within this Province, any thing herein contained to the contrary Notwithstanding.

And

14th AND WHEREAS Slaves may be harboured and Encouraged to commit Offences and Concealed and received by free Negroes and such free Negroes may escape the Punishment due to their Crimes for want of sufficient and legal Evidence against them. BE IT THEREFORE FURTHER ENACTED by the Authority aforesaid that the Evidence of any free Indian or Slave without Oath shall in like manner be allowed and Admitted in all Cases against any Free Negroes, Indians (free Indians in Amity with this Government and such Mulattoes or Mestizo's who may hereafter be Naturaliz'd by any Act or Acts of the General Assembly of this Province excepted) Mulattoe or Mestizoe and all Crimes and Offences committed by free Negroes, Indians (except as before excepted) Mulattoes or Mestizo's shall be proceeded and try'd by the Justices and Freeholders appointed by this Act for the trial of Slaves in like manner as is hereby Directed for the proceedings and trial of Crimes and Offences committed by Slaves, any Law, Statute, Usage or Custom to the Contrary Notwithstanding. AND

15th WHEREAS some Crimes and Offences of an Enormous Nature and of the most pernicious Consequence, may be committed by Slaves as well as other Persons which being peculiar to the Condition and Circumstances of this Province could not fall under the Provision of the Laws of England. BE IT THEREFORE ENACTED by the Authority aforesaid That the several Crimes and Offences herein after particularly Innumerated are hereby declared to be Felony without the benefit of the

Clergy

Clergy (that is to say) If any Slave, free Negroe, Mulattoe, Indian or Mestizoe shall wilfully or Maliciously burn or Destroy any Stack of Rice, Corn or other Grain, or shall wilfully or Maliciously set fire to burn or Destroy any Tar-Kiln, barrels of Pitch, Tar, Turpentine or Rosin; or any other Goods or Commodities, or shall feloniously Steal any Slave, every such Slave, free Negroe, Mulattoe, Indian, (except as before excepted) and Mestizoe shall suffer Death. AND WHEREAS The detestable Crime of Poisoning hath frequently been committed by Slaves BE IT THEREFORE ENACTED by the Authority aforesaid That not only such Negroes, Mulattoes or Mestizo's as shall Administer Poison to any Person or Persons, (whether free or bond) but also all and every Negroe, Mulattoe, or Mestizoe, who shall furnish, procure or convey any Poison to be administred to any Slave or Slaves, or to any Person or Persons as aforesaid AND also all such Negroes, Mulattoes, and Mestizo's as shall be privy (and not reveal the same) to the furnishing, procuring or conveying any Poison to be administred to any Person or Persons as aforesaid shall be deemed and adjudged and all and every of them are hereby declared to be Felons and shall suffer Death in such manner as the Persons appointed by this Act for Trial of Slaves shall adjudge and Determine. AND for the Encouragement of Slaves to make Discovery of the designs of others to poison any Person. BE IT ENACTED by the Authority aforesaid That every Negroe, Mulattoe or Mestizoe who shall hereafter give Information

16th.

17th.

mation of the Intention of any other Slave to poison any Person or of any Slave that hath furnished, procured or conveyed any poison to be Administred to any Person shall upon Conviction of the Offender or Offenders be intituled to and receive, from the Public of this Province a reward of Twenty Shillings to be paid him by the Treasurer Yearly and every Year during the abode of such Negro, Mulattoe or Mestizo in this Province on the Day that such discovery was made and shall also be exempted from the labour of his Master on that day, and every Justice before whom such information and Conviction is made is hereby required to give a Certificate of every such Information which Certificate shall intitle the Informant to the reward aforesaid. PROVIDED ALWAYS NEVERTHELESS That no Slave shall be convicted upon the bare Information of another Slave unless poison be found upon the party or parties accused or some other Circumstance or Overt Act appear by which such Information shall be Corroborated. AND

18th. PROVIDED ALSO AND BE IT FURTHER ENACTED by the Authority aforesaid That in Case any Slave shall be Convicted of having given false Information whereby any other Slave may have suffered wrongfully every such false Informer shall be liable to and suffer the same Punishment as was inflicted upon the party accused any Law, Usage or Custom to the Contrary Notwithstanding.

19th. AND BE IT FURTHER ENACTED by the Authority aforesaid That in Case any Slave shall teach or instruct another Slave in the Knowledge of any

Poisonous

Poisonous Root, Plant, Herb, or other sort of poison whatever he or she offending shall upon Conviction thereof suffer Death as a Felon. AND The Slave or Slaves so taught or instructed shall suffer such Punishment (not extending to Life or Limb) as shall be adjudged and Determined by the Justices before whom such Slave or Slaves shall be tried. AND BE IT FURTHER ENACTED by 20th.
the Authority aforesaid That no Negroes or other Slaves, shall hereafter be suffered or permitted to administer any Medicine or pretended Medicine, to any other Slave but at the Instance or Direction of some White Person And in Case any Negroe or other Slave shall Offend herein, he or She shall upon Complaint and Proof thereof made to any Justice of the peace suffer Corporal punishment not exceeding fifty Stripes. AND BE IT FURTHER ENACTED by the Authority aforesaid that any Slave who shall be guilty of Homicide of any sort, upon 21st.
any White Person, except by misadventure, or in defence of his Master, or other Person, under whose Care and Government such Slave shall be, upon Conviction thereof, shall as aforesaid suffer Death AND every Slave who shall raise or Attempt to raise an Insurrection or shall endeavour to delude or entice any Slave to run away and leave this Province every such Slave and Slaves, and his and their Accomplices, Aiders and Abettors shall upon Conviction as aforesaid suffer Death: PROVIDED That such Slave shall have actually prepared Provisions, Arms, Ammunition, Horse or Horses, or any Boat, Canoe or other Vessel or done any other

Overt-

Overt-Act whereby such their Intentions shall be manifested. PROVIDED ALWAYS That it shall and may be lawful to and for the Justices who shall pronounce Sentence against such Slaves, if several Slaves shall receive Sentence at one time to suspend the Execution of the Sentence of one or more of the said Slaves where favourable Circumstances shall appear until the matter shall be laid before Governour or Commander in Chief and his Pleasure known therein (except such as shall be convicted of the Homicide of a White Person) who they shall think may deserve mercy, and may inflict some Corporal Punishment, other than Death on any such Slave, as they in their discretion shall think fit, any thing herein contained to the contrary thereof, in any ways Notwithstanding AND WHEREAS The Inhabitants of this Province are liable to have their Slaves inveigled, stolen or carried away and may receive great prejudice and Damage by such unwarrantable and Wicked Practices. BE IT
22d THEREFORE ENACTED by the Authority aforesaid That all and every Person or Persons who shall inveigle, Steal or carry away any Negroe or other Slave, or Slaves, or shall hire, aid or counsel any Person or Persons to inveigle, steal (or carry away as aforesaid, any such Slave or Slaves, or that shall aid, any such Slave in running away or departing from his Masters or Employers service shall be and he and they is, and are hereby declared to be guilty of Felony AND being thereof Convicted or Attainted shall stand mute, or will not directly Answer to the Indictment, or will preremtorily challenge above the

the Number of Twenty of the Jury shall suffer Death as Felons and be excluded and debarred of the Benefit of Clergy AND to the end that Owners of Slaves may not be tempted to conceal the Crimes of their Slaves to the prejudice of the public BE IT FURTHER ENACTED by the Authority aforesaid that in Case any Slave shall be put to Death in pursuance of the Sentence of the Justices aforesaid the said Justices or one of them before he or they award and Order their Sentence to be Executed shall cause any two Freeholders to Appraize and Value the said Negroes so to be put to Death and the Appraiser to Value upon Oath and shall certify such Appraisement to the Treasurer of this Province who is hereby Authorized to pay the same to the Owner of such Slave or to his Order. AND BE IT FURTHER ENACTED by the Authority aforesaid That the said Justices or any of them are hereby Authorized; impowered and required to Summon and Compel all Persons whatsoever to appear and give Evidence upon the Trial of any Slave; and if any Person shall neglect or refuse to appear or appearing shall refuse to give Evidence, or if any Master or other Person who has the care and Government of any Slave, shall prevent and hinder any Slave under his Charge or Government from appearing and giving Evidence in any matter depending before the Justices and Freeholders aforesaid; The said Justices may and they are hereby fully impowered and required to bind every such Person offending as aforesaid by Recognizance with one or more sufficient sureties to appear at the next

23d

24th

General

General Court to answer such their Offence and Contempt, and for default of finding sureties to commit such Offender to Prison AND BE IT
25th FURTHER ENACTED by the Authority aforesaid That in Case the Master or other Person having Charge or Government of any Slave who shall be accused of any Capital Crime shall conceal or convey away any such slave so that he can not be brought to Trial and Condign Punishment every Master or other Person so offending shall forfeit a sum not exceeding two hundred Pounds Sterling if such Slave be accused of a Capital Crime as aforesaid; but if such Slave be accused of a Crime not Capital then such Master or other Person shall only forfeit a sum not exceeding twenty Pounds St[g] to be paid to the Treasurer for the Use of the Public.
26th AND BE IT FURTHER ENACTED by the Authority aforesaid That all and every the Constable and Constables in the several Parishes within this Province where any Slave shall be Sentenced to suffer Death or other Punishment shall cause Execution to be done of all the Orders, Warrants, Precepts and Judgments of the Justices hereby appointed to try such Slaves for the Charge and trouble of which the said Constable or Constables respectively shall be paid by the public unless in such Cases as shall appear to the said Justice or Justices to be malicious or groundless Prosecutions in which Cases the said Charges shall be paid by the Prosecutors for whipping or other Corporal Punishments not extending to Life the sum of five Shillings. AND for any Punishment extending to Life the

the sum of ten Shillings and such other Charges for keeping and Maintaining such Slaves, as are by the Act for erecting a Work-House, appointed for the levying of which Charges against the prosecutor the Justice or Justices are hereby impowered to Issue their Warrant and that no delay may happen in causing Execution to be done upon such Offending Slave or Slaves, the Constable who shall be directed to cause Execution to be done shall be and he is hereby impowered to press one or more Slave or Slaves in or near the place where such Whipping or other Corporal Punishment shall be inflicted, to Whip or Inflict such other Corporal Punishment upon the Offender or Offenders and such Slave or Slaves so press'd shall be Obedient to and Observe all the Orders and Direction of the Constable in and about the Premisses upon pain of being Punished by the said Constable by Whipping on the bare back not exceeding twenty Lashes which Punishment the said Constable is hereby Authorized and impowered to Inflict AND The Constable shall if he presses a Negroe pay the owner of the said Negroe two shillings out of his ffee for doing the Said Execution. AND BE IT FURTHER ENACTED by the Authority aforesaid That if any 27th Person shall on the Lords Day commonly called Sunday employ any Slave in any work or Labour (Works of Absolute necessity and the necessary Occasions of the Family only excepted) every Person so Offending shall forfeit and pay the sum of ten shillings for every Slave he, she or they shall so cause to work or Labour. AND BE IT FURther

28th THER ENACTED by the Authority aforesaid That it shall not be lawful for any Slave unless in the presence of some White Person to carry and make use of Fire Arms or any offensive Weapon whatsoever Unless such Slave shall have a Tickett or Licence in Writing from his Master, Mistress or Overseer to hunt and kill Game, Cattle, or Mischievous birds or beasts of prey and that such Licence be renewed once every Month, or unless there be some White Person of the Age of sixteen years or upwards in the Company of such Slave when he is hunting or Shooting, or that such Slave be actually carrying his Master's Arms to or from his Master's Plantation by a special Tickett for that purpose, or unless such Slave be found in the Day time actually keeping off Birds within the Plantation to which such Slave belongs lodging the same Gun at Night within the dwelling-House of his Master, Mistress, or white Overseer. PROVIDED ALSO That no Slave shall have Liberty to carry any Gun, Cutlass, Pistol or other Offensive Weapon abroad at any Time, between Saturday Evening after Sun-set and Monday Morning before Sun rise Notwithstanding a Licence or Tickett for so doing, and in Case any Person shall find any Slave Using or carrying fire-Arms or other Offensive Weapon contrary to the true intention of this Act, such Person may lawfully seize and take away such Offensive Weapon or fire-Arms, but before the property of such Goods shall be vested in the Person who shall seize the same such Person shall within forty eight hours next after such seizure, go before the next

next Justice of the Peace and shall make Oath of the manner of taking thereof and if such Justice of the Peace after such Oath shall be made, or if upon any other Examination he shall be satisfy'd that the said Fire-Arms or other Offensive Weapons shall have been seized according to the directions and agreeable to the true Intent and meaning of this Act the said Justice shall by Certificate under his hand and Seal declare them forfeited and that the property is lawfully vested in the Person who seized the same. PROVIDED ALWAYS That no such Certificate shall be granted by any Justice of the Peace until the Owner or Owners of such Fire Arms or other Offensive Weapon so to be seized as aforesaid, or the Overseer or Overseers who shall or may have the Charge of such Slave or Slaves from whom such Fire Arms or other offensive Weapon so taken or seized shall be duely Summoned to shew cause why the same should not be condemned as forfeited. or untill forty eight hours after the Service of such Summons and Oath made of the Service thereof before the said Justice. AND BE IT FURTHER ENACTED by the Authority 29th. aforesaid That if any Slave shall presume to strike any White Person, such Slave upon Trial and Conviction before the Justice or Justices according to the directions of this Act shall for the first Offence suffer such Punishment as the said Justice or Justices shall in his or their discretion think fit, not extending to Life or Limb, and for the second Offence shall suffer Death; but in Case any such Slave shall grievously wound, maim or bruise any White Person

son tho' it shall be only the first Offence such Slave shall suffer Death. PROVIDED ALWAYS That such striking, Wounding, maiming or bruising be not done by the Command and in the defence of the Person or property of the Owner or other Person, having the care or Government of such Slave, in which Case the Slave shall be wholly excus'd and the Owner or other Person having the care or Government of such Slave shall be answerable as if the
30th. Act had been committed by himself. AND BE IT FURTHER ENACTED by the Authority aforesaid that it shall and may be lawful for every Person to take apprehend and secure any runaway or fugitive Slave and they are hereby directed and required to send such Slave if convenient to the Master or other Person having the Care and Government of such Slave, if the Person taking up or securing such Slave knows, or can without difficulty be informed to whom such Slave belongs, Or such Slave shall be delivered into the Custody of the Master of the Work-House of the Parish if any, but if none to any Constable of the said Parish, and the Master or other Person who has the care or Government of such Slave shall pay for taking up Such Slave whether by a free Person or Slave the sum of five shillings Sterling and the Master of the Work-House or Constable upon Receipt of every fugitive or runaway Slave is hereby directed and required to keep such Slave in safe Custody until such Slave shall be lawfully discharged; And shall as soon as Conveniently it may be Advertize such Slave in the Public Gazette, and also

also in the most public place in the Parish where such Slave shall be taken up with the best description he shall be able to give, first carefully viewing and examining such Slave Naked to the waist for any Mark or brand which he shall also Advertize to the intent the Owner or other Person who shall have the Care and Charge of such Slave may come to the Knowledge that such Slave is in Custody; And if such Slave shall escape thro' Negligence and can not be taken up in three Months the said Person shall answer to the Owner for the Value of such Slave or the Damages which the Owner shall sustain by reason of such escape as the Case shall happen. AND BE IT FURTHER ENACTED 31st. by the Authority aforesaid That the said Master of the Work-House or Constable shall at the Charge of the Owner of such Slave, provide sufficient Food, Drink, Clothing and covering for every Slave delivered into his Custody; or on failure thereof shall forfeit all his Fees and for each day; after he shall Neglect to Advertize as before directed the sum of three Shillings. AND BE IT FURTHER ENACTED by the Authority aforesaid That if any 32d. Person shall take up any runaway Slave and shall deliver such slave either to the Master or other Person having the Care or Charge of such Slave, or to the Constable of the Parish, or the Master of the Work-House, shall be intituled to receive from the Owner, or Constable of the Parish, or Master of the Work-House two pence ℔ Mile for every Mile such Slave shall have been brought or sent, to be computed from the Place where such Slave was apprehended

apprehended, and if such Slave shall be delivered into the Custody of the Constable of the Parish aforesaid or to the Master of the Work-House the Person delivering such Slave shall give an Account of his Name place of abode and the Time and place when and where such Slave was apprehended which Account the said Constable or Master of the Work-House shall enter down in a Book to be kept for that Purpose and shall give a Receipt for any such Slave which shall be delivered as aforesaid into his Custody and the said Constable or Master of the Work-House is hereby fully Authorized and impowered to demand and receive from the Owner or other Person having the Charge or Care of any such Slave, for Negroes committed from the Month of October to March Inclusive for finding necessary Clothing and covering, to be the property of the Master's any sum not exceeding Eighteen Shillings AND the several Sums following and no other sum fee or Reward on any pretence whatsoever—That is to say for Apprehending each Slave paid to the Person who delivered such Slave in Custody five Shillings Sterling Money, for Mileage paid to the same Person two pence like Money ℔ Mile, for a sufficient Quantity of Provision for each day, for each Slave Six pence Sterling, for Advertizing every Slave as directed by this Act three Shillings and Six pence Sterling, for receiving each Slave Six pence, for poundage on Money Advanced one Shilling in the pound like Money AND the said Constable or Master of the Work-House shall and may lawfully detain any Slave in Custody until the fees

and

and expences aforesaid be fully paid and Satisfied AND in Case the Owner of such Slave or his Overseer, Agent, Manager, Attorney or Trustee, shall neglect or refuse to pay or Satisfy the said fees and expences for the space of thirty Days after the same shall be demanded by Notice in Writing served on the Owner of such Slave, or (if the Owner is absent from this Province) upon his Overseer, Agent, Manager, Attorney or Trustee, The said Constable or Master of the Work-House shall and may expose any such Slave to sale at Public out-cry, and after deducting the fees and Expences aforesaid and the Charges of such sale, the Over-plus Money arising from such Sale to be lodged in the Hands of any one Justice of the Parish where such sale shall be made and upon Demand to be by him returned to any Person who has a right to demand and receive the same. AND BE IT FURTHER 33d: ENACTED by the Authority aforesaid That if any Constable or the Master of the Work-House shall refuse to take into his or their Custody any fugitive Slave or Slaves and to do and perform all the several Services and Duties required by the foregoing Clause, Such Constable or Master of the Work-House shall forfeit a sum not exceeding twenty pounds One half to be paid to the Owner of such Slave, and the other half to the Poor of the Parish such fine to be recovered on Proof being made upon Oath of such Offence before any one Justice of the Peace. AND FOR AS MUCH AS for want of knowing or finding the Owners of any 34th fugitive Slave to be delivered to him as aforesaid, the

the said Constable or Master of the Work-House may not be Obliged to keep such Slave in his Custody and find and provide provisions for such Slave over and beyond a Reasonable Time. BE IT THEREFORE ENACTED by the Authority aforesaid that if the Owner or Owners of such fugitive Slaves shall not within the space of six Days from the time of Advertizing make his, her, or their Claim or Claims, or it shall not be otherwise made known to the said Constable or Master of the Work-House within the Time aforesaid to whom such committed Slave shall belong, the said Constable shall commit the said Slave to the Custody of the Master of the Work-House in Savannah who shall give a Receipt for the same, and pay the Constable his fees and Expences as directed by this Act, And the said Master of the Work-House shall constantly Advertize in the Gazette of this Province for the space of Eighteen Months, and if not Claimed in that Time it shall be lawful for the said Master of the Work-House to sell such Slave at Public out cry he first advertizing such Sale together with the reasons thereof- And out of the Money arising from such Sale to deduct or retain to himself what shall be then due for Money by him disburs'd on Receipt of such fugitive Slave, and for his fees and Provisions together with the Reasonable Charges arising by such Sale. AND The Over plus Money if any, shall be rendered and paid by the said Master of the Work-House to the Treasurer of the Province for the Time being, in trust Nevertheless for the Use of the Owner or Owners

Owners of such Slave, provided the same be claimed by him, her or them within one Year and a Day after such sale, or in default of such Claim within the Time aforesaid, to be appropriated to- 35th.
wards paying for Negroes publickly Executed. AND BE IT FURTHER ENACTED by the Authority aforesaid That if any free Person or any Slave shall harbour, conceal or entertain any Slave that shall runaway or shall be charged or accused with any Criminal matter every free Negroe, Mulattoe and Mestizoe and every Slave that shall harbour conceal or entertain, any such Slave being duely convicted thereof according to the direction of this ACT, If a Slave shall suffer such Corporal Punishment, not extending to Life or Limb, as the Justice or Justices who shall try such Slave, shall in his or their discretion shall think fit AND if a free Person shall forfeit the sum of thirty Shillings Sterling for the first day and three Shillings for every day such Slave shall have been absent from his Owner or Employer and to be recovered and proved in like manner as Offenders against the thirty seventh Clause of this Act AND BE IT 36th:
FURTHER ENACTED by the Authority aforesaid That no Slave who shall usually reside or be employed in any Parish within this Province shall presume to buy, Sell or Exchange any Goods, Wares, Provisions, Grain, Victuals or Commodities of any sort or kind whatsoever except as is herein after particularly excepted. AND PROVIDED and under such Proviso's, conditions, restrictions and Limitations as are herein particularly directed,

limited

limited and appointed on pain that all such Goods, Wares, provisions, Grain, Victuals or Commodities which by any Slave shall be so bought sold or Exchanged shall be seized and forfeited and shall be sued for and recovered before any one Justice assigned to keep the Peace in the Parish where such Offence was committed and shall be applied and dispos'd of, One half to him or them who shall seize, inform and Sue for the same, and the other half to the poor of the said Parish, and moreover that the said Justice shall order every Slave who shall be convicted of such Offence to be publickly Whip'd on the bare back not exceeding twenty Lashes. PROVIDED ALWAYS That it may and shall be lawful for any Slave who lives or is Usually Employed in Savannah or other Towns after such Licence and Tickett as herein after is directed shall be obtain'd to buy, or sell, Fruit, Fish, and Garden Stuff and to be employed as Porters, Carters, or Fishermen, and to purchase any thing for the Use of their Master, Owner or other Person who shall have the Charge and Government of such Slaves in open Market under such Regulations as are or shall be appointed by Law concerning the Market of Savannah, or in any open Shop kept by a White

37th. Person. AND BE IT FURTHER ENACTED by the Authority aforesaid That if any retailer of strong Liquors, or any other Person or Persons shall give or sell to any Slave any beer or Spirituous Liquor whatsoever without the Licence or Consent of the Owner or such other Person who shall have the Care or Government of such Slave every Person so Offending

Offending shall forfeit the sum of Five pounds Sterling money for the first Offence, and for the second Offence ten pounds Sterling and shall be bound in a recognizance in the sum of twenty pounds Sterling with one or more sufficient Sureties before any of the Justices of the Peace not to offend in the like kind and to be of good behaviour for one Year and for want of such Sufficient Sureties to be committed to prison without Bail or Main prize for a Term not exceeding three Months. AND WHEREAS it may be difficult to procure sufficient Evidence for the conviction of such Offenders as may transgress against this Part of the Law BE IT FURTHER ENACTED by the Authority aforesaid That in Case any Slave or Slaves shall declare before any one or more Justice or Justices of the Peace of the probability of which declaration such Justice or Justices are hereby allowed to Judge that any Person whatsoever shall so offend it shall be taken for granted that such Person is guilty of such Offence and such Person shall be liable to the several Penalties above mentioned unless such Person shall upon Oath before such Justice or Justices declare he or she is not guilty of such Offence which said Oath the said Justice or Justices is and are hereby impowered to tender. BE IT ENACTED by the Authority aforesaid That no Owner, Master or Mistress of any Slave after the passing of this Act, shall permit or suffer any of his, her or their Slaves to go and work out of their respective Houses or Families without a Tickett in Writing under pain of forfeiting the sum of thirty Shillings Sterling for every such Offence

38th

39th.

to

to be paid the one half to the Justices of the Parish for the Use of the Poor of the Parish in which the offence is Committed, and the other half to him or them that will Inform and Sue for the same And every Person employing any Slave without a Tickett from the Owner of such Slave shall forfeit to the Informer Fifteen Shillings Sterling for each Day he so employs such Slave over and above the Wages agreed to be paid such Slave for his Work

40th. PROVIDED NEVERTHELESS That the said Penalty of fifteen Shillings per Diem shall not extend to any Person whose Property in such Slaves is disputable AND WHEREAS several Owners of Slaves may permit them to keep Canoes and to breed and raise Horses and Neat Cattle and so traffick and barter in several parts of this Province for the Particular and Peculiar benefit of such Slaves by which means, they may have not only an Opportunity of receiving and concealing Stolen Goods but to plot and confederate together and form Conspiracies dangerous to the Peace and safety of the whole Province. BE IT THEREFORE ENACTED by the Authority aforesaid That it shall not be lawful for any Slave so to buy, sell, trade, traffick, deal, or barter for any Goods or Commodities (except as before excepted) nor shall any Slave be permitted to keep any Boat, Periagua or Canoe, or to raise and breed for the Use and benefit of such Slave any Horse, Mares and Neat-Cattle under pain of forfeiting all the Goods and Commodities which shall be so bought, sold, traded, traffick'd, dealt or barter'd for by any Slave and of all the

the Boats, Periagua's, Canoes, Horses or Cattle which any Slave shall keep, raise or breed for the peculiar Use, benefit and Profit of such Slave and it shall and may be lawful for any Person or Persons whatsoever to Seize and take away from any Slave; all such Goods, Commodities, Boats, Periagua's, Canoes, Horses, Mares and Neat Cattle and to deliver the same into the Hands of any one of His Majesty's Justices of the Peace nearest to the place where the Seizure shall be made and such Justice shall take the Oath of such Person who shall make any such seizure concerning the Manner of seizing and taking the same, and if the said Justice shall be satisfied that such Seizure hath been made according to the directions of this Act, he shall pronounce and declare the Goods so seized to be forfeited, and shall Order the same to be sold at Public outcry, and the Monies arising from such Sale shall be dispos'd of and applied as is herein after directed. PROVIDED ALWAYS That if any Goods shall be seized which comes to the Possession of any Slave by theft, finding or otherwise without the Knowledge, Privity, Consent or Connivance of the Persons who have a right to the Property or lawful Custody of any such Goods the same shall be restored, on such Persons making Oath before any Justice as aforesaid who is hereby impowered to Administer such Oath, to the Effect, or in the following Words. I. A: B: do sincerely Swear, That I have a just and lawful right or Title to certain Goods seized and taken by C: D: out of the Possession of a Slave Named: E: and I do sincerely Swear and declare that

that I did not directly or indirectly, permit or suffer the said Slave, or any other Slave whatsoever to keep and employ the said Goods for the Use, benefit or Profit, of any Slave whatsoever, or to sell barter, or give away the same, but that the same Goods were in the Possession of the said Slave by Theft, (finding or otherwise) or to be kept Bona fide for the Use of E: F: a free Person and not for the Use or Benefit of any Slave whatsoever So help me God Which Oath shall be taken Mutatis Mutandis, as the Case shall happen. PROVIDED ALSO That it shall be lawful for any Person being the Owner or having the Care or Government of any Slave who resides or is usually employed in any part of this Province without the Limits of the Town of Savannah, or any other Town to give Licence or Permission to sell Exchange or barter in Savannah or else where within this Province, the Goods or Commodities of the Owner or other Person having the Care or Government of such Slave; provided that in such Licence or Permission, the Quantity and Quality of the Goods and Commodities with which such Slave shall be intrusted, be particularly and distinctly set down and specified, and signed by the Owner or other Person having the Charge or Government of such Slave or by some other Person by his or their Order and Direction. AND as it is absolutely necessary to the safety of this Province. That all due Care be taken to restrain the Wandering and Meetings of Negroes and other Slaves at all times, and more especially on Saturday Nights, Sundays, and other Holy-days, and their Using and carrying Mischievous

41&t:

chievous and dangerous Weapons, or Using or keeping of Drums, Horns, or other loud Instruments which may call together or give sign or Notice to one another of their Wicked designs and purposes; and that all Masters, Owners, and others may be enjoyned diligently and carefully to prevent the same. BE IT ENACTED by the Authority aforesaid That it shall be lawful for all Masters, Overseers and other Persons whomsoever to apprehend and take up any Negroe or other Slave that shall be found out of the Plantation of his or their Master or Owner at any Time especially on Saturday Nights, Sundays, or other Holy-days not being on lawful Business, and with a Tickett from their Master or not having a White Person with them and the said Slave or Slaves met or found out of the Plantation of his or their Master or Mistress, though with a Tickett if he or they be Armed with such Offensive Weapons aforesaid, him or them to disarm, take up and Whip; And whatsoever Master, Owner or Overseer shall permit or suffer his or their Slave or Slaves, at any Time hereafter to beat Drums, blow Horns, or other loud Instruments, or whosoever shall suffer and countenance any publicmeetings or Feastings of strange Slaves in their Plantations shall forfeit Thirty Shillings Sterling for every such Offence upon conviction or proof as aforesaid; provided an Information or other Suit be commenced within one Month after forfeiture thereof for the same. AND WHEREAS Cruelty is not only highly unbecoming those who profess themselves Christians, but is Odious in the Eyes of 42d.

all

all Men who have any sense of Virtue or humanity therefore to restrain and prevent Barbarity being exercis'd towards Slaves. BE IT ENACTED by the Authority aforesaid That if any Person or Persons shall wilfully Murder his own Slave, or the Slave of any other Person, every such Person shall upon conviction thereof by the Oath of two Witnesses, be adjudged guilty of Felony for the first offence and have the Benefit of the Clergy making Satisfaction to the Owner of such Slave. AND shall be rendered and is hereby declared altogether and forever uncapable of holding any place of Trust, or exercising enjoying or receiving the profits of any Office, place or employment, civil or Military within this Province, But if any Person shall offend in like manner a Second Time such second offence shall be deemed Murder and the Offender suffer for the said Crime according to the Laws of England except that he shall forfeit no more of his Lands and Tenements, Goods and Chattels than what may be sufficient to satisfy the Owner of such Slave so killed as aforesaid And in Case any Person shall not be able to make the Satisfaction hereby required every such Person shall be sent to any Frontier Garrison of this Province or committed to the Goal at Savannah and there to remain at the public Expense for the space of seven Years and to serve or to be kept to hard Labour and the pay usually allow'd by the Public to the Soldiers of such Garrison or the Profits of the Labour of the Offender shall be paid to the Owner of the Slave murdered. AND if any Person shall on a sudden heat of Passion and without

without an ill intent kill the Slave of any other Person he shall forfeit a Sum not exceeding One hundred and fifty pounds Sterling. And in Case any Person or Persons shall wilfully Cut out the Tongue, put out the Eye, Castrate or cruelly scald, burn or deprive any Slave of any Limb or Member, or shall inflict any other cruel Punishments other than by Whipping or beating with a Horse Whip, Cow-skin, Switch or small Stick or by putting Irons on or confining or Imprisoning such Slave every such Person shall for every such Offence forfeit a sum not exceeding Fifty Pounds Sterling. AND WHEREAS by reason of the extent and distance of Plantations in this Province the Inhabitants are far removed from each other and many cruelties may be committed on Slaves, because no White Person may be present to give Evidence of the same unless some Method be provided for the better discovery of such offence; and as Slaves are under the Government, so they ought to be under the protection of Master's and Managers of Plantations BE IT THEREFORE FURTHER ENACTED by the Authority aforesaid That if any Slave shall suffer in Life, Limb or Member or shall be maimed, beaten, or abused, contrary to the Directions and true Intent and meaning of this Act, when no White Person shall be present or being present shall Neglect or refuse to give Evidence, or be examined upon Oath concerning the same; in every such Case the Owner or other Person who shall have the care and Government of such Slave, and whose possession or Power of such Slave shall be

43d:

be deemed taken, reputed and adjudged to be guilty of such Offence and shall be proceeded against accordingly without farther proof (unless such Owner or other Person as aforesaid can make the contrary appear by good and sufficient Evidence, or shall by his own Oath clear and exculpate himself which Oath every Court where such Offence shall be tried, is hereby impowered to administer and to acquit such reputed Offender accordingly if clear proof of the offence be not made by two Witnesses at least, any Law, Usage or Custom to the contrary Notwithstanding. AND BE IT FURTHER ENACTED by the Authority aforesaid That no Slave or Slaves shall be permitted to rent or hire any House, Room, Store or Plantation on his or her own Account, or to be used or Occupied by any Slave or Slaves and any Person and Persons who shall let or hire any House, Room, or Plantation to any Slave or Slaves or to any free Person to be occupied by any Slave or Slaves; every such Person so offending shall forfeit any pay to the Informer the sum of Five Pounds Sterling AND WHEREAS it may be attended with ill Consequence to permit a great Number of Slaves to travel together on the high Roads without some White Person in Company with them. BE IT THEREFORE ENACTED by the Authority aforesaid. That no Men Slaves exceeding Seven in Number shall hereafter be permitted to travel together in any high Road in this Province without some White Person with them and it shall and may be lawful for any Person and Persons who shall see any Men Slaves

44th.

45th.

Slaves exceeding seven in Number without some White Person with them as aforesaid, travelling or Assembled together in any high Road to apprehend all and every such Slaves and shall and may Whip them not exceeding twenty lashes on the bare back. AND WHEREAS The having of Slaves taught to 46th. write, or suffering them to be employed in Writing may be attended with great Inconveniences. BE IT THEREFORE ENACTED by the Authority aforesaid That all and every Person and Persons whatsoever who shall hereafter teach or cause any Slave or Slaves to be taught to Write, or shall use or employ any Slave as a Scribe in any manner of Writing whatsoever hereafter taught to Write; every such Person and Persons shall for every such Offence forfeit the sum of twenty pounds Sterling. AND WHEREAS Plantations settled with Slaves without any White 47th:- Person thereon, may be Harbours for runaway and fugitive Slaves BE IT THEREFORE ENACTED by the Authority aforesaid That no Person or Persons hereafter shall keep any Slaves on any Plantation or settlement without having a White Person on such Plantation or settlement under pain of forfeiting the sum of five Pounds Sterling for every Month which any such Person shall so keep any Slaves on any Plantation or settlement, without a White Person as aforesaid AND every Owner of any Plantation or Settlement for every twenty Slaves which such Owner shall have thereon above the Age of twelve Years shall be and is hereby obliged to retain and keep in his or her Service on such Plantation

Plantation or Settlement one White Man capable of bearing Arms under the pain of forfeiting Five pounds per Month for every White Person wanting thereon. AND BE IT FURTHER ENACTED by the Authority aforesaid That if any Person shall be at any time sued for putting in Execution any of the Powers contain'd in this Act, such Person shall and may plead the general Issue and give the special Matter and this Act in Evidence, and if the Plaintiff be Non-Suit or a Verdict pass for the Defendant, or if the plaintiff discontinue his Action or enter a Noli prosequi, or if upon Demurrer Judgment be given for the Defendant every such Defendant shall have his full double Costs. AND BE IT FURTHER ENACTED by the Authority aforesaid That this Act and all the Clauses therein contain'd shall be construed most largely and beneficial for the promoting and carrying into Execution this Act. And for the Encouragement and justification of all Persons to be employed in the Execution thereof and that no Record, Warrant, Precept or Commitment to be made by Vertue of this Act, or the Proceedings thereupon shall be reversed, avoided or any ways impeached by reason of any default in form.

49th..

50th.. AND BE IT ENACTED by the Authority aforesaid That all fines Penalties and forfeitures imposed or inflicted by this Act which are not hereby particularly disposed of, or the manner of the recovery directed, shall if not exceeding the Value of eight Pounds Sterling be recovered, levied and distrained for, by Warrant from any one Justice of the Peace in the Parish where such Offence shall be committed

And

And in Case such fine Penalty or forfeiture shall exceed the sum of eight Pounds Sterling the same shall be recovered by Action of Debt, Bill, Plaint or Information in the general Court of this Province And all the said fines, Penalties and Forfeitures which shall be recovered by this Act and are not before particularly dispos'd of, shall be one half to his Majesty his heirs and Successors and be paid to the Treasurer to be applied and dispos'd of towards paying for such Slaves as are Executed by Vertue of this Act and the other half to the Informer. AND BE IT FURTHER ENACTED by the Authority aforesaid That his Majesty's part of the fines, Penalties and Forfeitures which shall be recovered by Vertue of this Act shall be paid into the Hands of the Justices or in the Court where the same shall be recovered who shall make a Memorial or record of the same to the Treasurer of this Province from the said Court of Justices who shall receive his Majesty's part of such fines and forfeitures which Memorial shall be a Charge on the Judges or Justices respectively to whom the same shall be paid; And the Treasurer of this Province for the Time being shall and may, and he is hereby Authorized and impowered to Levy and recover the same by Warrant of distress and sale of the Goods and Chattels of the said Judges or Justices respectively who shall be charged with the same in Case they or any of them shall neglect or refuse to make such Memorial or record as aforesaid or send such Transcript thereof as is before directed or shall neglect or refuse to pay the same over to the Treasurer within

in

in thirty days after the receipt of the same. PROVIDED ALWAYS That no Person shall be prosecuted for any fine, forfeiture or Penalty impos'd by this Act unless such prosecution shall be commenced within six Months after the Offence shall be committed. AND BE IT FURTHER ENACTED by the Authority aforesaid That this Act shall be deemed a Public Act and shall be taken Notice of without pleading the same before all Judges, Justices, Magistrates and Courts within this Province. AND BE IT FURTHER ENACTED by the Authority aforesaid, That this Act shall continue in force for the space of five Years and from thence to the end of the next Session of the General Assembly and no longer.

By Order of The Commons House of Assembly

ALEX WYLLY Speaker

By Order of the upper House

JAMES HABERSHAM President

Council Chamber 25th March 1765

Assented to

JA: WRIGHT.

State

To Extend and Enforce the Authority of Several Laws.

(State Archives.)

An act to extend and enforce the authority of the several laws therein mentioned, to and throughout the territory lately annexed to this province; for dividing the same into parishes, and for adding the island of Jekyl to the parish of St. James.

Preamble.

1. WHEREAS his majesty by his proclamation of the seventh of October, in the year of our Lord one thousand seven hundred and sixty-three, and also by his late royal commission to his excellency the governor, bearing date the twentieth day of January, one thousand seven hundred and sixty-four, was graciously pleased to annex to this province all that space or tract of land lying and situate between the river Alatamaha, and the southernmost stream of the river St. Mary: *And whereas* disputes and difficulties may arise touching the present validity of the laws of this province within the said annexed territory: *Be it enacted,* That from and after the passing of this act, all the laws herein after mentioned and particularized, (many of which being obsolete, and others since acted on by the legislature, it is deemed unnecessary to recite them) shall extend to, and be in as full force, power and effect, in, over and throughout the lands lying and being between the south side of the river Alatamaha, and the most southern stream of the river St. Mary, including all islands within twenty leagues of the coast, to all intents, constructions and purposes whatsoever, as if the said annexed territory had been a part

Laws of the province in force in this territory.

part of this province at the time of making and passing the same; any thing to the contrary in any wise notwithstanding.

Said territory divided into parishes.

2. *And whereas* it may be necessary for the convenience of the inhabitants that the lands aforesaid should be divided into parishes; *Be it further enacted by the authority aforesaid,* That all that space of tract of land, lying and being between the river Alatamaha, and the north branch of Turtle River, and from the head of the said last mentioned river in a northwest line, shall be and forever continue a parish by the name of "The parish of St. David;"

St. David.

and from the north branch of Turtle River to the southern branch of the river Little Satilla, and from the head of the said river Little Satilla, in a northwest line shall be and forever continue a parish by

St. Patrick.

the name of "The parish of St. Patrick;" and from the southern branch of the St. Patrick, said river Little Satilla, to the southern branch of the river Great Satilla, shall be and forever continue a parish by the name of "The parish of St. Thomas;" and

St. Thomas.

from the southern branch of the river St. Thomas. Great Sattilla to the southern branch of the river St. Mary, and from the head of the said river St. Mary in a due west line, including all the islands within the said boundary, shall be and forever continue a

St. Mary.

parish by the name of "The parish of St. Mary."

Jekyl Island added to St. James.

3. *And be it further enacted by the authority* aforesaid, That the island of Jekyl shall from henceforth

forth be and forever continue a part of the parish of St. James.

ALEXANDER WYLLY, Speaker.

JAMES HABERSHAM, President.

March 25, 1765.

JAMES WRIGHT.

(State Archives.)

AN ACT

For granting to his Majesty a Duty on the sundry Articles therein mentioned that shall hereafter be imported from any of his Majesty's Colonies to the Northward of the Province of South Carolina and for appropriating the Money arising therefrom in Aid of the general Tax.

WHEREAS by an Act of this present General Assembly intituled An Act for building a Fort and Barracks within the same on the Lands reserved for the Use of the Public near the Town of Augusta in the Parish of St. Paul, a Guard House in Savannah and repairing the Barracks in the Fort in the Town of Frederica on the Island of St. Simon and for granting to his Majesty the Sum of Six Hundred and Fifty Pounds Sterling to defray the Expence of the same, also for appointing and empowering Commissioner

missioners to issue Certificates for the said Purposes which Certificates are by the said Act directed to be sunk within three years by the general Tax raised in this Province in order therefore to reimburse the Publick the said Sum imposed by the said Act We humbly pray your most Sacred Majesty that it may be Enacted AND BE IT ENACTED by his Excellency JAMES WRIGHT Esquire Captain General, and Governor in chief of the Province of Georgia by and with the advice and consent of the Honourable Council and Commons house of Assembly in general Assembly met and by the authority of the same, That immediately from and after the passing of this Act, all and every the Rates, Duties, and impositions herein after mentioned and expressed shall be laid, imposed and paid, on all Goods herein specified and enumerated that shall hereafter be imported into this Province from any of his Majesties Colonies to the Northward of the Province of South Carolina that is to say; On every Gallon of Rum or Melasses one penny sterling per Gallon on every barrel of Beer one Shilling and sixpence on every Barrell of Cyder one Shilling, on every barrel of Apples or Pears one Shilling on every barrell of Machrel, Herring, Shad, or other Pickled Fish one Shilling and three pence, on every Kegg of white Biscuit three pence on every hundred pounds weight of dry Salt Fish one Shilling, on every hundred Pounds weight of Spermacoeti Candles eight Shillings and four pence on every hundred pounds weight of Butter four Shillings and two pence on every hundred pounds weight of Hams or Bacon two Shillings and sixpence

sixpence, on every hundred pounds weight of Soap four Shillings and two pence on every Bushel of Potatoes three pence, on every Bushel of Onions one Shilling on every Rope or string of Onions one penny and on all Cabinet ware or other Goods Wares, or Merchandize not herein before mentioned (Flour Ship biscuit, Tallow Candles, Pitch Tar and Turpentine only excepted) Imported from and produced and manufactured in any of his Majesty's American Colonies to the Northward of the Province of South Carolina the rate of five Pounds Sterling per Centum on the prime Cost or value thereof over and above the Tax or duty imposed in and by an Act of the general Assembly of this Province, Intituled an Act to oblige Masters of Vessells, Supercargoes and other transient persons importing Goods into this Province to pay Tax for the same. AND for preventing disputes about the quantity of Liquors and Spirits imported to be rated it is hereby FURTHER ENACTED by the authority aforesaid that the Importer without gauging the said Liquors or Spirits shall be allowed ten per Cent: upon his Invoice and entry of the same, but if the Owner or Importer shall suspect the leakage to be greater, then the Comptroller or Waiter shall gauge the said Liquor or Spirits and such leakage if entered with the Treasurer or Comptroller and not otherwise shall be allowed; and if at any time the Treasurer, Comptroller or Waiter shall suspect any Cask to contain a greater quantity that it was entered for then the same shall be gauged by the Treasurer, Comptroller or Waiter and if a surplus quantity

tity shall be discovered the Importer shall pay the duty for such surplus and make a new Entry thereof and also pay the said Treasurer or Comptroller one Shilling and sixpence per Cask for gauging the same.

AND BE IT FURTHER ENACTED by the authority aforesaid that every Master or Commander of any Ship or Vessell which shall arrive from any of his Majesty's American Colonies or Plantations to the Northward of the Province of South Carolina and from the said Province or from any other Province or Island having the produce or Manufactures of any such Northern Colonies on board shall within forty eight hours after the said Ship or Vessell is brought to Anchor in any of the Ports or Harbours in this Province make a regular entry with and deliver two Manifestos of the same to the Treasurer for the Time being if such Entry be made at Savannah with the Comptroller of the Country Duties at Sunbury, if such entry be made there, of all the Goods, Wares and Merchandise Imported into this Province in such Ship or Vessell under the penalty of Fifty Pounds Sterling for every such neglect or refusal, and the Treasurer and Comptroller respectively are hereby required, impowered and directed to administer the following Oath to every person who shall make entry as aforesaid I. A. B. do solemnly swear in the presence of Almighty God that the entry by me now made contains a Just and true account of all the Goods, Wares and Merchandize by me Imported into this Province

and

and that I have not broke Bulk since I sailed from the Port from which I was last cleared or caused or suffered any part of the Cargoe of my said Ship or Vessell to be landed with an intention to evade the payment of the duty imposed by an Act of the general Assembly of this Province, intituled an Act, for granting to his Majesty a duty on the sundry articles therein mentioned that shall hereafter be imported from any of his Majesty's Colonies to the Northward of the Province of South Carolina and for appropriating the Monies arising therefrom in aid of the general Tax, so help me GOD. And upon every such Entry so made the said Treasurer or Comptroller as the case may be shall deliver to the person making the same a Certificate or Permit for unloading the Goods Wares and Merchandize so entered AND to the end that the rates, duties and Impositions laid by virtue of this Act may be the more speedily and effectually received and collected by the Treasurer or Comptroller BE IT FURTHER ENACTED by the authority aforesaid that all Sums of Money due and payable for the said Duties herein before laid and imposed shall be paid to the Treasurer or Comptroller by the Importer before the Liquors Goods or Merchandize herein before enumerated and liable to the duty aforesaid shall be taken out of or landed from any Vessell on any pretence whatever. And the said Treasurer and Comptroller are respectively hereby required not to deliver any Permit for the taking out of or landing from any Ship or Vessell any of the said enumerated Commodities for which Duties shall be Due and payable

as

as aforesaid untill the said Duties are actually paid; except for Goods imported by or consigned to any of the Merchants or Factors actually Inhabitants of this Province who shall not be liable to pay the said Duties sooner than three Months after importation provided they pass their Notes and give security to the satisfaction of the Treasurer or Comptroller (if desired so to do) for the punctual payment of the said Duties at the expiration of the said three Months AND PROVIDED that all transient Factors, on their entering into Bond to the Treasurer or Comptroller with sufficient sureties being Inhabitants of this Province for the faithful payment of the said duties, within the Term of three Months after such Importation or sooner if He or they shall depart this Province, shall be intituled to a forbearance for that time if they shall desire it; AND in case any Master of any Ship or Vessell, Merchant, Factor or other person shall put on Shore any of the said Goods or Commodities or shall put any of them into any Boat or Vessell in order to land the same before a permit is duly obtained from the Treasurer or Comptroller for that purpose in manner herein before directed all such Goods and Commodities so landed or put on Board any Boat or other Vessell in order to be landed, shall be forfeited and applied to the uses herein after mentioned. And all Persons are hereby required to be aiding and assisting to the said Treasurer, Comptroller and Waiter, or to any Agents, informers, seizers, or discoverers, in case of their meeting with opposition in seizing or searching for any of the said enumerated Goods or Commodities

modities unladed or Landed contrary to the true intent and meaning of this Act.

AND BE IT FURTHER ENACTED by the authority aforesaid that the Comptroller and Waiter for the time being shall be under the direction of the Treasurer and shall from time to time follow the said Treasurers orders and instructions relating to the execution of this Act and the said Waiter shall be allowed yearly the Sum of Ten Pounds Sterling as a Salary for being Country Waiter to be paid out of the duties arising on the Goods and Commodities herein before enumerated and rated, and in case the said Comptroller or Waiter shall die or depart this Province or shall make default in any part of their duty in relation to the execution of this Act, the said Treasurer shall give information thereof to the Governor or Commander in Chief for the time being who by the advice and consent of the Honourable Council may displace and Mulct such Comptroller or Waiter and appoint others in their stead untill the next meeting of the General Assembly.

AND BE IT FURTHER ENACTED by the authority aforesaid, That it shall and may be lawfull to and for the Treasurer, Comptroller or Waiter herein before mentioned and they are hereby severally authorized and impowered to enter on board any Ship or other Vessell where they or either of them have information or suspect there is any Goods, Wares or Merchandize concealed which hath not been duly entered and to make search for the same

same and them to seize and Confiscate and dispose of at publick Outcry, and apply the produce thereof after deducting the charges attending such seizure and sale the one half to his Majesty in aid of the general Tax and the other half to him or them who shall inform or sue for the same.

AND BE IT FURTHER ENACTED by the authority aforesaid, That if any Master of any Ship or Vessell, Factor, Mariner or other person whatsoever shall unload or cause to be unloaded any of the Goods Wares and Merchandize herein before mentioned but in the Day time between Sun rising and Sun setting all such Goods Wares and Merchandize so unladen shall be liable to be seized, forfeited disposed of and applied as is herein before directed.

AND BE IT FURTHER ENACTED by the authority aforesaid that all and every the respective Fines and Forfeitures which shall or may accrue or become due by virtue of this Act shall and may be sued for recovered and disposed of as follows, that is to say; all sums under eight Pounds shall and may be sued for and recovered as is directed by an Act of the general Assembly for the more easy and speedy recovery of small Debts and damages, and all Sums exceeding eight pounds shall and may be sued for and recovered by action of Debt, Bill, Plaint, or information in the general Court of Pleas in this Province, wherein no Essoign, Priviledge, protection or stay of prosecution shall be admitted or allowed and the several and respective fines and forfeiture

feitures shall be applied as is herein before directed; And if any of the Goods Wares or Merchandize aforesaid shall be seized for an offence committed against this Act and the property be claimed by any Person or Persons as the Importer or Importers thereof the onus probandi shall lay upon such Claimant and not upon the Informer or Prosecutor.

AND BE IT FURTHER ENACTED by the authority aforesaid that the Treasurer and Comptroller herein before mentioned shall and they are hereby respectively required and directed to keep a regular and Just account in a book kept by them for that purpose, of all Entries made and permits given for the unloading any of the Goods Wares and Merchandize herein before mentioned.

AND BE IT ALSO ENACTED by the authority aforesaid that the Country Comptroller for the Port of Sunbury shall once in every six months deliver to the Treasurer an account upon Oath, which Oath the said Treasurer is hereby required to administer of all the Monies by him received by virtue of or in pursuance of this Act, and shall then pay the amount thereof to the said Treasurer taking his receipt for the same first deducting therefrom at the rate of five Pounds per Centum for his trouble in receiving thereof.

AND BE IT FURTHER ENACTED by the authority aforesaid That the said Treasurer for the time being shall and he is hereby required and directed to apply all such Sum and Sums of Money as he

he shall from time to time receive by any of the ways or means by this Act directed in aid of the general Tax towards sinking the Certificates to be issued for building a Fort and Barracks (within the same) in the Town of Augusta in the Parish of Saint Paul, a Guard House in Savannah, and repairing the Barracks in the Fort at Frederica on the Island of Saint Simon, and to no other use or purpose whatsoever until the Sum provided by the general Tax for the purposes aforesaid shall be by the said duties and the other Funds appropriated for that purpose fully paid and discharged, it being the true intent and meaning of this Act that the whole and entire sum so granted shall be raised and produced by the said Duties and the other Funds appropriated for that purpose and that the Duties hereby imposed shall not cease or discontinue untill the Money raised by the general Tax be fully reimbursed, and from that time untill the end of the next Session of the General Assembly and no longer. AND in order to establish the Fees to be paid to the Treasurer and Comptroller for doing the Duty by this Act enjoined and required to be done BE IT ENACTED by the authority aforesaid, that for every Entry of any Goods, Wares, or Merchandize Imported and hereby made liable to pay Duty, the person entering the same shall pay to the Treasurer or Comptroller the Fees following and no more, that is to say, To the Treasurer or Comptroller one Shilling and sixpence for each Entry. PROVIDED nevertheless that it shall and may be lawful to and for the Treasurer to keep and detain to his own proper use five Pounds per Centum

Centum of all Sum and Sums of Money which he shall receive for Duty on any of the Goods Wares and Merchandize as aforesaid for his care and trouble in receiving and paying the same.

AND BE IT FURTHER ENACTED by the authority aforesaid that the Treasurer and Comptroller for the time being shall and they are hereby severally required and strictly enjoined to carry this Act into execution and to do and perform the several matters and things herein and hereby required of them respectively under the penalty of forfeiting a Sum not exceeding Twenty Pounds for every such neglect or refusal in either of them to be sued for recovered and applied as herein before directed.

AND BE IT FURTHER ENACTED by the authority aforesaid That the Treasurer for the time being, shall lay his Accounts before the General Assembly when thereunto required.

AND BE IT FURTHER ENACTED by the authority aforesaid, That no Replevin shall lie, nor be granted, for the delivery of any Goods or Commodities seized by virtue of this Act, But the chief Justice or Justices of the general Court of Pleas in this Province may make an order in case of Goods perishable (only) to have the same appraised and valued upon giving security for such Goods, and the said Court is hereby vested with all the powers and authorities whatsoever necessary for the trying hearing adjudging and determining any offence penalty

alty or forfeiture incurred by this Act to all intents and purposes where the value of the seizure or forfeiture shall exceed Eight Pounds Sterling.

AND BE IT FURTHER ENACTED by the authority aforesaid, That if any Action or Suit shall be brought or prosecuted in any Court of Record in this Province against the said Treasurer Comptroller or Waiter or any other person or persons whomsoever for any matter or thing done or to be done by them or any of them by virtue of or in pursuance of the direction of this Act, it shall and may be lawfull to and for such Treasurer, Comptroller or Waiter and other Person and Persons to plead the general Issue and give this Act and the special matter in evidence; And in case the Plaintiff or Plaintiffs in such Action or Suit, shall discontinue, become non suit or a verdict shall pass against him or them that then the Judge and Judges of such Court shall Tax and allow to such Defendant and Defendants his and their double costs of Suit, for which every such Defendant and Defendants shall have like Remedy as in other Cases where Costs of Suit are given to the Defendants, AND this Act is hereby declared to be a publick Act, and to be taken notice of in all Courts in this Province, without special pleading.

AND BE IT FURTHER ENACTED by the authority aforesaid, That all Actions arising by the breach of any part of this Act, shall be Sued for and commenced

commenced within the Term of Six Months from the time of Committing such Breach, and not after.

By Order of the Commons House of Assembly

ALEX WYLLY Speaker

By Order of the Upper House

JAMES HABERSHAM President

Council Chamber 25th March 1765

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT

To amend an Act, intitled an Act, to prevent private Persons from purchasing Lands from the Indians and for preventing Persons trading with them without License.

WHEREAS by an Act passed in the third Session of the second General Assembly of this Province, it is amongst other things Enacted, that from and after the fifteenth Day of February One thousand, seven hundred and fifty Eight, if any person or persons whatsoever (other than such as shall duly obtain License or Licenses from the Governor or Commander

Commander in chief of the said Province for the time being, or other Person or Persons for this purpose appointed by his Majesty, his Heirs and Successors) shall directly or indirectly, visit, frequent, haunt, trade, traffick, or Barter with any Indian or Indians, within the Province of Georgia; all and every such Offender or Offenders shall for every such Offence forfeit One hundred Pounds Sterling Money of Great Britian, the one half thereof to his Majesty, his Heirs and Successors, for the use of the said Province, and the other half to him or them, who shall sue for the same, by Action of Debt or information in the general Court of this Province, AND WHEREAS the End and intention of the said Act, is in a great measure defeated by reason that Offenders against the same, are not lyable to be arrested or held to Bail on any action or information to be brought against them, for the penalties in the said Act mentioned, but only to be served with Process, to answer the action or information, by which means it happens that persons offending against the said Act, after being served with such Process, do remove out of the Province, and thereby elude the penalties by the said Act inflicted; and also do put the Province to an expense by Actions being ineffectually commenced against him or them; For remedy whereof We pray your most sacred Majesty that it may be Enacted AND BE IT ENACTED by his Excellency JAMES WRIGHT Esquire Captain General Governor and Commander in Chief in and over this his Majesty's said Province of Georgia, by and with the advice and consent of the honourable Council

Council and the Commons House of Assembly of the said Province, in General Assembly met, and by the authority of the same; That from and after the passing of this Act, it shall and may be lawfull for the Chief Justice, assistant Justices, or any Justice of the Peace of any Parish within this Province, and he or they are hereby directed and required upon information upon Oath before him or them made, of any Person or Persons trading with Indians without License in manner as in the said Act mentioned, to issue a Warrant under his or their Hand and Seal, for the apprehending such Offender or Offenders; and thereupon to take a Recognizance with one or more sufficient surety in the penalty of One hundred and Fifty Pounds Sterling for his, her or their appearance at the next general Court, then and there, to answer such action or information, as shall be exhibited against him her or them for the Offence or Offences so committed; And for want of such surety to commit such offender or offenders to the nearest Common Goal.

AND BE IT FURTHER ENACTED by the authority aforesaid that this Act shall continue and be in force for Three Years and from thence to the End of the next Sessions of the General Assembly and no longer

By Order of the Commons House of Assembly
ALEX WYLLY Speaker

By Order of the upper House
JAMES HABERSHAM President

Council Chamber 25th March 1765

Assented to
JA: WRIGHT.

State

(State Archives.)

AN ADDITIONAL ACT

To and Act intitled an Act for the better regulating Taverns Punch Houses, and Retailers of Spirituous Liquors.

WHEREAS it hath been found by experience that the above mentioned Law hath not altogether answered the good ends thereby proposed and intended We therefore pray your most sacred Majesty that it may be Enacted AND BE IT ENACTED by his Excellency JAMES WRIGHT Esquire Captain General Governor and Commander in Chief in and over his Majesty's Province of Georgia by and with the advice and consent of the Honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the authority of the same that from and after the passing of this Act; no person or persons or set or company of persons whatsoever shall on any pretence whatever keep any Billiard Table or Billiard Tables, untill he, she, or they shall have first obtained a License or Licenses from the Treasurer of the Province under the forfeiture and penalty of Fifty Pounds Sterling for every time he she or they shall play themselves or permit or suffer any other person or persons whatsoever to Play at Billiards, anything in the herein before mentioned Law to the contrary thereof in any wise notwithstanding. AND BE IT FURTHER

Enacted

ENACTED by the authority aforesaid that from and after the passing of this Act every person or persons or set or Company of persons who shall obtain any License to keep any Billiard Table, in any place or part of this Province shall for every such License, pay the Sum of Fifty Pounds Sterling and that every person or persons whatsoever who shall obtain any License to keep any Tavern or Punch House to sell or retail any Wine, Beer, Cyder, Brandy, Rum, Punch or any other strong drink whatsoever in less quantity than three Gallons in any place or part of this province shall pay the sum of Three Pounds Sterling for every such License any thing in the herein before mentioned law to the contrary thereof in anywise notwithstanding.

AND BE IT FURTHER ENACTED by the authority aforesaid that all forfeitures and Penalties hereby inflicted and all Sum and Sums of Money whatsoever hereby directed to be paid at the taking out or renewal of every such License shall be applied as in and by the herein before mentioned Act is directed and appointed

AND BE IT FURTHER ENACTED by the authority aforesaid that this act shall be deemed a publick act, and shall be held and taken as such by all Judges Justices and Magistrates and in all Courts within this province without special pleading the same and shall continue in force for the space of Four

Four Years and from thence to the end of the next Session of the General Assembly and no longer.

By Order of The Commons House of Assembly

ALEX WYLLY Speaker

By Order of the upper House

JAMES HABERSHAM President

Council Chamber 25th March 1765

Assented to

JA: WRIGHT.

(State Archives.)

An additional act to an act entitled "An act to suppress lotteries, and to prevent other excessive and deceitful gaming."

Preamble.

WHEREAS it hath been found by experience that the above mentioned act hath not altogether answered the several good ends and purposes thereby intended, *Be it therefore enacted,* That from and after the passing of this act, any person or persons whosoever, who at any time or times, sitting or sittings within the space of twenty-four hours, by playing at cards, dice, tables, or any other game or games, or by betting on the sides or hands of such

Money lost at gaming to be recovered back,

as

as do play at any of the games aforesaid, or any game whatever, shall lose to any one or more person or persons so playing or betting in the whole the sum or value of five shillings lawful money of this province, and shall pay or deliver the same or any part thereof; the person or persons so losing and paying or delivering the same, shall be at liberty at any time within six months then next following, and not after, to sue for, and recover the monies or goods so lost and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs, by a warrant from a justice of the peace, in nature of a warrant for debt, founded on this act, in case the monies or effects so lost and paid or delivered, shall not exceed the value of eight pounds* lawful money of this province; and in case the monies or goods so lost and paid or delivered shall exceed that sum, the loser shall and may recover the same from the winner or winners, with costs, by action of debt founded on this act, to be prosecuted in his majesty's general court of pleas in this province, to which action or suit, no essoign, prosecution, wager of law, privilege, or more than one emparlance shall be allowed, and in which action or suit it shall be sufficient for the plaintiff to alledge, that the defendant or defendants are indebted to him, or received to the plaintiff's use, the monies or effects so lost and paid, or converted, the monies or effects so won of the plaintiff, to the defendant's use, whereby the plaintiff's action accrued to him, according to the form of this act, without setting forth

by the loser in six months.

*Justices' jurisdiction restrained to thirty dollars.

any

any special matter; and in case the person or persons, who shall lose such money or effects as aforesaid, shall not within the time prescribed, really and *bona fide,* sue, and with effect prosecute for the monies or effects so by him or them lost and paid or delivered as aforesaid, it shall and may be lawful to and for any person or persons, by any such action or suit as aforesaid, to sue for and recover the same with full costs of suit, against such winner or winners as aforesaid, unless such winner or winners within ten days after the winning such money or effects, shall repay or redeliver to the loser such money or effects, so won and received as aforesaid, together with such costs of suit as may have accrued before the repayment or redelivery of such money or effects, the one moiety of the money or effects so recovered, shall be to the use of the person or persons (other than the person losing) who shall sue for them, and the other moiety to the use of the poor of the parish where the offence shall be committed, any thing in the herein before mentioned law to the contrary thereof in any wise notwithstanding.

After that time any other person may sue for and recover the same; one half to himself, the other to the poor.

2. *And be it further enacted,* That from and after the passing of this act, if any person or persons licensed to sell any sorts of spirituous liquors or who shall sell or suffer the same to be sold in his, her, or their house or houses, or in any out houses, ground or apartments thereunto belonging shall knowingly suffer any gaming with cards, dice, draughts, shuffle boards, billiard tables, skittles, ninepins, or at or or with any other games or implements of gaming, in

Sellers of spiritous liquors, not to suffer gaming in their houses under the penalty of five pounds for the first, and ten pounds for every offence afterwards.

in his, her, or their houses, or out houses, grounds or apartments thereunto belonging, by any apprentice, overseers, journeymen, laborers, or servants, or any other person or persons whatsoever, and shall be convicted of the said offence on their own confession or on the oath of one or more creditable witness or witnesses (exclusive of the person giving information thereof) before any justice or justices of the peace of the parish or place where the offence shall be committed within thirty days after such offence, he, she or they, so offending shall forfeit for the first offence the sum of five pounds lawful money of this province, and for every like offence, he, she, or they shall afterwards be convicted of the sum of ten pounds to be levied by distress and sale of the offender's goods by warrant from the justice or justices before whom such offender or offenders shall be convicted, one moiety of which said forfeitures shall be paid to the church wardens and vestry of the parish or place where the offence shall be committed, for the use of the poor there, and the other moiety thereof to the person or persons on whose information such offender or offenders shall be convicted, and for want of sufficient distress, it shall and may be lawful for such justice or justices to commit such offender or offenders to prison, not exceeding thirty days, or until the money so forfeited shall be paid, any thing in the herein before mentioned law to the contrary thereof in any wise notwithstanding.

3. *And be it further enacted,* That this act shall be deemed a public act, and shall be held and taken as Public act.

as such by all judges, justices and magistrates, and in all courts within this province without specially pleading the same, and shall continue and be in force for and during the term of six years, and from thence to the end of the next session of the General Assembly, and no longer.

By order of the Commons House of Assembly.

ALEXANDER WYLLY, *Speaker.*

By order of the Upper House.

JAMES HABERSHAM, *President.*

Council Chamber, March 25, 1765.

Assented to. JAMES WRIGHT.

(State Archives.)

An act to amend "An act, to prevent persons throwing ballast or rubbish or falling trees in the rivers and navigable creeks within this province, and for keeping clear the channels of the same.

Preamble.

1. WHEREAS in and by an act passed in the second session of the fourth General Assembly of this province, entitled "An act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for

for keeping clear the channels of the same," *It is therein and thereby enacted,* That if at any time from and after the passing the said act, any master or owner, or any person acting as master or owner of any ship or other vessel whatsoever, shall cast throw out or unload, or if at any time from and after the time aforesaid, there shall be cast, thrown out or unladen from, or out of any ship or vessel whatsoever being or riding within any port, road, channel, river or navigable creek within this province, any ballast, rubbish, gravel, earth, stone, or wreck, but above high water mark (except the same be thrown out for the purpose only of filling up where wharfs may be erecting or erected under the banks of bluffs of such river or navigable creek, it shall and may be lawful for any one or more justice or justices of the peace for the parish or district where or near which such offence shall be committed, upon information made on oath thereof, and he or they are hereby authorized and required to summon or issue out his or their warrant or warrants, to apprehend or bring before him or them, the master or masters, owner or owners, of any such ship or other vessel, or other person or persons acting as such against whom such complaint or information shall be made or given, and upon his or their appearance or making default in appearing to proceed to examine the matters of fact, and upon due proof made either by confession of the party offending, or on view of such justice or justices, or upon the oath or oaths of one or more witness or witnesses (which oath or oaths the said justice or justices are hereby required

Ballast, rubbish, &c. obstructing the navigation of rivers, how to be removed.

required to administer) that any ballast, rubbish, earth, gravel, stone, or wreck, hath been cast, unladen or thrown out of or from any ship or other vessel, the master or masters, or person or persons acting as master or masters thereof, shall be adjudged, and he, and they are hereby respectively declared to be the offenders against this act, and he and they being by such justice or justices (or by any of the ways or means aforesaid) thereof convicted, shall forfeit and pay for every such offence, any sum not exceeding eight pounds, at the discretion of such justice or justices, the one moiety thereof to the informer, and the other moiety thereof, to his majesty for the support of the poor of the parish, wherein such conviction shall be pronounced. *And whereas* the fine of eight pounds in and by the said act imposed and set, is found greatly deficient for preventing the evil thereby intended to be prevented: *Be it therefore enacted,* That from and after the passing of this act, if any master or owner or any person acting as master or owner of any ship or other vessel whatsoever, shall cast, throw out or unlade, or if there shall be cast thrown out, or unladen from or out of any ship or other vessel, being or ridnig within any port, road, channel, river, or navigable creeks within this province, any ballast, rubbish, gravel, earth, stone or wreck, but above high water mark, (except as in the said act excepted) every master or owner or any person acting as such as aforesaid, shall be deemed the offenders, and shall forfeit and pay for every such offence, a sum not exceeding

Offenders shall forfeit a sum not exceeding eight pounds.

Which is insufficient.

They shall be subject to a fine not exceeding three hundred pounds.

exceeding three hundred pounds sterling, to be recovered and applied as herein after directed.

The chief justice or assistant justices shall take cognizance of such offences.

2. And for the more speedy determination of offences against this act, *Be it enacted by the authority aforesaid*, That information on oath being made of such offence before the chief justice, or one of the assistant justices of the general court of pleas of this province, the said chief justice and justices, or any or either of them, are hereby required and directed, forthwith to issue his or their warrant to apprehend the offender or offenders, and oblige him or them to find sufficient security for their appearance at the court to be holden for that purpose, and to abide the judgment thereof; and in case such offender or offenders shall neglect or refuse to find such security, it shall and may be lawful to and for the said chief justice and assistant justices, or any or either of them, to commit such offender or offenders to the common jail of Savannah, until the determination thereof; and the said chief justice and justices, or any or either of them, are hereby required and directed to order and appoint a court to be held within seven days after such information made for the trial of the matter of fact, and to proceed therein agreeable to an act of the General Assembly, entitled "An act for holding special or extraordinary courts of common pleas for the trial of causes arising between merchants, dealers and others, and ship masters, super-cargoes, and other transient persons."

And shall order a court for the trial of offenders.

3. *And be it enacted by the authority afore-*

said

When, and how far cognizable by justices of the peace

said, That if any offence shall be committed against this act in any part of this province, where information thereof cannot speedily be made to the chief or assistant justices of the general court, it shall and may be lawful for any justice of the peace in the parish wherein the offence shall be committed, to receive such information on oath, and to bind over the offender or offenders, and the informer or informers, with sufficient securities to appear as aforesaid; and the said justice is hereby required to transmit such information immediately to the chief or assistant justices, who are hereby required to proceed in the same manner as if the same had been made before him or them.

Forfeitures and fines appropriated.

4. *And be it further enacted by the authority aforesaid,* That all forfeitures incurred by virtue of this act shall be, one moiety thereof to the informer and the other moiety thereof to his majesty, for the use of this province, to be paid into the hands of the treasurer of this province and to be applied for clearing and keeping clear the rivers and navigable creeks within the same.

JAMES HABERSHAM, *President.*

ALEXANDER WYLY, *Speaker.*

JAMES WRIGHT.

March 25, 1765.

(State Archives.)

AN ACT

To Impower the several Commissioners or Surveyors hereafter named to Lay out and make such Publick Roads in the Province of Georgia as are herein after mentioned and directed and to Continue to work upon Clear Repair and Improve the several Roads already laid out and also the Rivers and Creeks within their Several and Respective Divisions—

WHEREAS several Laws have heretofore been passed in this Province for the Laying out Publick Roads within the same which have accordingly been laid out and cleared which Laws are near expiring AND WHEREAS it is necessary for the more speedy Communication through out the Province and the Conveniency of the Inhabitants that the Roads already laid out should be perfected and kept in proper and Constant Repair and that others may be Laid out WE therefore Pray Your most sacred Majesty that it may be Enacted AND BE IT ENACTED by his Excellency James Wright Esquire Captain General and Governor in Chief of His Majesty's Province of Georgia by and with the Advice and Consent of the Honorable Council and the Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That the Commissioners or Surveyors of the several Divisions hereafter mentioned named and described shall be and they are hereby improved

impowered to Continue to work upon Clear Amend Repair Erect and Improve the several Roads Bridges Rivers Creeks Causeways Water Courses and Water passages in this Province as are already Laid Out Opened Erected and Cleared and to Lay Out Open Erect and Clear any others that may hereafter be thought necessary and to Establish such Ferries as they shall think proper for the more direct Communication and better Convenience of the Inhabitants thereof according to the several Regulations and Directions of this Act—

AND BE IT ENACTED by the Authority aforesaid that all the Male White Inhabitants Free Negroes and Mullatoes and all Negro and other Male Slaves from the Ages of Sixteen to Sixty Years in the several Parishes within this Province shall be and they are hereby declared to be obliged to Work upon the several Roads Creeks and Rivers within the several Divisions to which such Male White Inhabitants Free Negroes and Mulattoes and Negro and other Male Slaves shall by their Respective places of Residence and by this Act be allotted or such Male White Inhabitants Free Negroes and Mulattoes and the Owners Managers or Employers of Such Negro and other Male Slaves be liable to the Several fines and Penalties in this Act hereafter mentioned PROVIDED nevertheless that nothing in this Act shall Extend Or be Construed to Extend to Subject the Commander in Chief for the Time being The Members of His Majesty's Council or their Officers The Members of the Commons House of Assembly or their Officers The Treasurer The Powder

Powder Receiver The Commissary General The Judges of the General Court and Court of Vice Admiralty or their Officers the Ministers of the Gospel the Officers of the Customs or any Officer Commissioned by virtue of His Majesty's sign Manual to Personal Working or Attendance upon the Roads Creeks or Rivers within the Several Divisions where the Persons aforesaid Shall or may Reside And also such persons as have actually served as Commissioners or Surveyors of the Roads for the Term of seven Years shall be exempted from personal labour but they are nevertheless required to give their attendance on the roads properly armed and accoutred PROVIDED also that this Clause of Exemption shall not extend to Exempt any Person or Persons therein named from doing his or their Duty as Commissioners or Surveyors of any Division within this Province if he or they Should be appointed and accept of the said Office—

AND BE IT ENACTED by the Authority aforesaid that the Town and Common of Savannah including the Hamlets of Yamacraw Ewensburgh and the Trustees Gardens including also the Settlements to the Eastward of Musgroves Creek shall be and continue to be called the Town Division And that the Several Male White Inhabitants Free Negroes and Mulattoes and all the Male Slaves within the said Town and the Limits of the Common Including the Hamlets and Settlements aforesaid Shall be and they are hereby declared to be liable to Work within the said Division and that David Montaigut William Young Esq.rs Robert Bolton James Habersham

Habersham Junior and Joseph Wright shall be and they are hereby declared to be Commissioners or Surveyors of the Roads within the same—

AND BE IT ENACTED by the Authority aforesaid That the Road from the Spring Bridge or Musgroves Creek as far as the North West line of the Parish of Christ Church and All Waters Creeks and Rivers within the same shall be and Continue to be called the first North West Division And that the Several Male White Inhabitants Free Negroes and Mulattoes and All Male Slaves within the Limits hereafter named that is to Say from the Spring bridge over Musgroves creek as far as the said line the Inhabitants to the North West on the River Savannah and settlements on the Islands in the said river Hutchinson's Island excepted the Plantations of the Honorable William Simpson The Reverend John Joachim Zubly James Cuthbert Samuel Bowen and Nicholas Horton shall be and they are hereby declared to be liable to Work within the said Division And that The Honorable Clement Martin Alexander Wylly Esq.rs Lachlan M^cGillivray Isaac Young Thomas Vincent George Cuthbert Esq.rs and John Stevens shall be and they are hereby declared to be Commissioners or Surveyors of the Roads within the same—

AND BE IT ENACTED by the Authority aforesaid that the Road from the North West line of the Parish of Christ Church up the River Savannah to the North West line of the Parish of Saint Matthew and all Waters Creeks and Rivers within the same shall be and Continue to be Called the

the Second North West Division and that the Several Male white Inhabitants Free Negroes and Mulattoes and all Male Slaves within the said Parish excepting such as are hereinafter directed to work on the Newington Road Shall be and they are hereby declared to be liable to Work within the said Division And that The Honorable Clement Martin John Flerl John Adam Treutlen John Gasper Wertch Theobald Keeffer John Gouldwire Esq.rs and Robert Hudson shall be and they are hereby declared to be Commissioners or Surveyors of the Roads within the same—

AND BE IT ENACTED by the Authority aforesaid that the Road from the North West line of the Parish of Saint Matthew to the North West line of the Parish of Saint George and all Waters Creeks and Rivers within the same shall be and Continue to be Called the Third North West Division and that the several Male white Inhabitants Free Negroes and Mullattoes and all Male Slaves within the Limits hereafter named that is to Say from the Mouth of Bryar Creek up Savannah River as far the Mouth of M°Bean's swamp and up Bryar Creek as far as Thomas Morgan's Mill inclusive and from thence in a direct line to the Fording Place on the said Swamp shall be and they are hereby declared to be liable to Work On the Lower road leading through the said Parish towards Augusta And that James Nesmith Andrew Griner Esq.rs Thomas Morgan Andrew M°Curry and Thomas Read shall be and they are hereby declared to be Commissioners or Surveyors of the said Road And the Several Male White

White Inhabitants free Negroes and Mulattoes And all Male Slaves within the Limits hereafter named that is to Say from the Mouth of Beaver dam up the same to the South line of the said parish from thence to the cause way over M^{c}Bean's Swamp inclusive shall be and they are hereby made liable to work on the Upper Old Road leading from the Fording Place on the Beaver dam up to M^{c}Bean's swamp And that David Emmanuel John Thomas Esq.^{rs} Evan Lewis Andrew Lambart and Nathaniel Miller shall be and they are hereby declared to be Commissioners or Surveyors of the said Road—

AND BE IT ENACTED by the Authority aforesaid that the Road leading from M^{c}Bean's Swamp through the Parish of Saint Paul including the Town of Augusta as far as little River and all Waters Creeks and Rivers within the same x x x Shall be and Continue to be Called the Fourth North West Division and that the Several Male White Inhabitants Free Negroes and Mulattoes and All male Slaves within the said Parish shall be and they are hereby declared to be liable to Work within the said Division And that Edward Barnard John Francis Williams Thomas Waters James Jackson Edmund Cartlidge Esq.^{rs} Jacob Beal and Edward Keaton Shall be and they are hereby declared to be Commissioners or Surveyors of the Roads within the same—

AND BE IT ENACTED by the Authority aforesaid that the Private Road now leading from the North West road through Newington Village be

be and the same is hereby made and established a Publick Road by the Name of THE NEWINGTON ROAD and Shall be continued by the Commissioners or Surveyors hereafter named from the aforesaid Village to the best Fording place above the Honorable Jonathan Bryan's Cowpen on Great Ogeeche River to be made and kept in repair by the joint labour of all the Inhabitants to the North and West of the New Plantation of the Honorable James Habersham Esq.r as far North as Pipe-Makers Creek down to the Plantation of the Reverend John Joachim Zubly exclusive and from Turkey-Hill in a Streight line to Great Ogechee River ten Miles above the Honorable Jonathan Bryan's Cowpen And that The Honorable Jonathan Bryan David Cutler Braddock Joseph Gibbons William Gibbons Esq.rs John Gibbons Matthew Mauve and Hugh Bryan shall be and they are hereby declared to be Commissioners or Surveyors of the said Road—

AND BE IT ENACTED by the Authority aforesaid that the Road from the Line of the Common of Savannah to the North Branch of Little Ogechee from thence to the South branch of the same River and from thence to the Ferry on Great Ogechee River and in the Parish of Christ Church and all Waters Creeks and Rivers within the Same Shall be and Continue to be called the first South West division and that the Several Male White Inhabitants (free Negroes and Mulattoes and all Male Slaves within the Limits hereafter named that is to Say All the Inhabitants East of Savannah as far as the plantations of M.r Russell and M.r Bowen exclusive

clusive the Inhabitants of Hutchinson's Island opposite Savannah All the Garden Lots to the Eastward of Musgroves Creek and all the Farm Lots to the South and East of the Honorable William Simpson's Plantation the Inhabitants of Hampstead and Highgate and to the South as far as the river Little Ogeeche including the plantations of David Murray Esq.r on the said river Shall be and they are hereby declared to be Liable to Work within the said Divisions And that the Honorable Francis Harris James Habersham James Read John Milledge Henry Bourquin Philip Delegal Esq.rs and John M°Clean, shall be and they are hereby declared to be Commissioners or Surveyors of the Roads within the same—

AND BE IT ENACTED by the Authority aforesaid that the Road from the low Water Mark at the Ferry on Great Ogechee to Dunhams Swamp and the boundary Line of the Parish of Saint Philip and in the said parish and all Waters Creeks and Rivers within the same Shall be and Continue to be Called the Second South West division and that the Several Male White Inhabitants Free Negroes and Mulattoes and all Male Slaves within the said Parish Shall be and they are hereby declared to be liable to Work within the said division And that The Honorable James M°kay Jonathan Cochran Esq.rs Joseph Butler Junior Elisha Butler James Maxwell Junior & John Davis Senior shall be and they are hereby declared to be Commissioners or Surveyors of the Roads within the same

(hereby?)

And

Surveyors to Lay Out Publick Roads.

AND BE IT ENACTED by the Authority aforesaid that the Road in Saint John's Parish from Dunham's Swamp to the Ash Swamp and the boundary Line of the said Parish called the Upper Road and the Road from Burtley's ferry on North Newport River to the Division Line of the said Parish opposite to the most Convenient Place for Crossing South Newport River and Called the Lower Roads and the Road from the Town of Sunbury to the Ferry on North Newport River and the Road from the Meeting House in the Said Parish to the town of Sunbury and all Waters Creeks and Rivers within the Same Shall be and continue to be called the third South West division And all the Male White Inhabitants Free Negroes and Mulattoes and all Male Slaves within the said Parish Shall be and they are hereby declared to be liable to work within the said Division And that Parmenas Way John Luptan Thomas Maxwell John Golding Thomas Carter Peter Sallens Richard Baker Thomas Quarterman and John Stewart Shall be and they are hereby declared to be Commissioners or Surveyors of the Roads within the same—

AND BE IT ENACTED by the Authority aforesaid that the Road from the Boundary Line of Saint John's Parish aforesaid and called the Upper Road to the most Convenient place for a ferry over the River Altamaha and the Road from the Boundary Line of the said Parish of Saint John and called the Lower Road leading from Burtley's ferry to the most Convenient place for crossing South Newport

Newport River and from thence in the Most Direct and Convenient Course to the Town of Darien and from thence along the River to Fort Barrington and in the Parish of Saint Andrew and All Waters Creeks and Rivers within the Same Shall be and Continue to be Called the fourth South West Division And that all the Male White Inhabitants Free Negroes and Mulattoes and all Male Slaves within the said Parish Shall be and they are hereby declared to be liable to work within the said Division And that Robert Baillie George M^{c}Intosh Esq.^{rs} Lachlan M^{c}Intosh Steven Williams Samuel Fulton John M^{c}Culloch Samuel Jones John M^{c}Clellan and Andrew Maxton Shall be and they are hereby declared to be Commissioners or Surveyors of the Roads within the same—

AND WHEREAS by the late Accession to this Province of the Land lying between the River Altamaha and the River Saint Mary it became necessary to divide the same into Parishes and the Same have accordingly by an Act of the present General Assembly been divided into and called the Parishes of Saint David Saint Thomas Saint Patrick and Saint Mary—

AND WHEREAS there are at present but few Inhabitants or Settlements in the Said Parishes which makes it impracticable to ascertain any Road Divisions within the same BE IT THEREFORE ENACTED by the Authority aforesaid that the Governor or Commander in Chief for the time bein shall be and he is hereby impowered by and with the Advice and Consent of the Honorable Council upon

upon Application of the Inhabitants of any of the said Parishes or whenever the same may appear necessary and Expedient to nominate and appoint Commissioners or Surveyors of the Roads Rivers and Creeks within the same and the same to divide into proper divisions And the Commissioners or Surveyors so appointed are hereby declared to be vested with the same Power and Authority as the Commissioners or Surveyors by this Act nominated and appointed And the Several Male White Inhabitants Free Negroes and Mulattoes and the Male Slaves within the Several parishes where such divisions shall be made and Commissioners or Surveyors nominated and appointed as aforesaid Shall be and are hereby declared to be obliged to work upon the several Roads Creeks and Rivers within the Several Divisions to which they shall be allotted and Subject to the same penalties Assessments Fines and Forfeitures as are in and by this Act directed and inflicted—

AND BE IT ENACTED by the Authority aforesaid that the Road from the Line of the Common of Savannah to the ferry over to Skidoway and the roads upon the said Island and a Road to be laid out from the place known by the Name of the Hand upon the said road to the Avenue of the Colledge and another road from the Eastern road to the most convenient place of the Southern Road and also another road for the convenience of some of the Islands from the said Eastern Road to Thunderbolt in the Parish of Christ Church and all Rivers Creeks and Waters within the same shall be and continue to be

be called the Eastern Division And that the several Male White Inhabitants free Negroes and Mulattoes and all Male Slaves within the limits hereafter named That is to say to the Eastward of Vernon River the creek and swamp which terminates the same down to the plantations of M.r Bowen and M.r Russell inclusive and the Sea Islands within the said parish shall be and they are hereby declared to be liable to work upon the said division And that The Honorable Noble Jones John Mulryne Henry Younge James Deveaux Charles Pryce Inigo Jones Esq.rs and John Earl shall be and they are hereby declared to be Commissioners or Surveyors of the Roads within the same—

AND BE IT ENACTED by the Authority aforesaid that the Road from the Line of the Common of Savannah to the Villages of Acton and Vernonburgh in the Parish of Christ Church and the Waters Creeks and Rivers within the Same Shall be and Continue to be Called the Southern Division And that all the Male White Inhabitants Free Negroes and Mulattoes and all the Male Slaves within the Limits hereafter named that is to Say The Inhabitants of Acton and Vernonburgh to the Southward of Vernonburgh on Vernon River and the Inhabitants to the Eastward of the plantations of David Murray Esq.r as far as the Western boundaries of the Eastern Road to the line of the Farm Lots Shall be and they are hereby declared to be liable to Work within the said Division And that Joseph Butler Senior Martin Fenton John Greene Senior Henry Nongazer and David Keeffer Shall be

be and they are hereby declared to be Commissioners or Surveyors of the Roads within the Same—

AND BE IT ENACTED by the Authority aforesaid that if any Commissioner or Surveyor in and by this Act nominated and appointed Shall dye depart the Province or decline to accept the said Office or after accepting the same Shall Neglect or Refuse to Act therein The Commissioners or Surveyors of the Division for which such Commissioners or Surveyor was nominated and appointed Shall at such time or times as in this Act is hereafter directed Appoint another Commissioner or Surveyor in the Room of him so dying departing the province declining Refusing or Neglecting to Act as aforesaid Unless when a Majority of such Commissioners or Surveyors in Any One division Shall at any one time be dead depart the Province decline Neglect or Refuse to Act as aforesaid in which Case upon Application of the Remaining Commissioners or Surveyors of Such division or upon knowledge thereof the Governor or Commander in Chief for the time being with the Advice and Consent of His Majesty's Council is hereby Impowered to nominate and appoint Commissioners or Surveyors within Such Division in the Room of those dead departing the Province declining Neglecting or Refusing to Act as aforesaid which said Several Commissioners or Surveyors so Nominated and Appointed as aforesaid are hereby declared to be Vested with the Several Powers and Authorities and liable to the Same fines and penalties as those in and by this Act Nominated and Appointed—

And

AND BE IT ENACTED by the Authority aforesaid that the Several Commissioners or Surveyors herein before Named or the Majority of them Shall and they hereby have full power and Authority to appoint one or more person or persons within their Several Divisions to Summons all such persons as by this Act are Obliged to work within the said Divisions at such times of the Year and for as many days as they may think most Convenient and Necessary not to exceed Six days at any one time or above twice in One Year to Repair Erect Open Clear and Work upon the Several Roads Causeways Bridges Rivers Creeks Water Passages and Water Courses within the same And the Several Owners Managers or Employers of Male Slaves within the Several Divisions Shall when summoned as aforesaid deliver to the Person or Persons Summoning him her or them a list in Writing of all Such Male Slaves as by this Act are liable to Work Signed by such Owner Manager or Employer under the Penalty of forty Shillings Sterling which lists the Several Person or persons appointed to Summons as aforesaid Shall deliver to the Commissioners or Surveyors of such Divisions And the said Commissioners or Surveyors are hereby directed and Empowered to Swear any Owner Manager or Employer Giving and Signing such lists to the truth thereof And the Person or persons appointed to Summons as aforesaid Shall be Exempted from his or their personal Labour in Such Division And in Such Case Such Person or persons appointed to Summons the Persons Obliged to Work as aforesaid

said Shall Neglect or Refuse So to do Such person or persons Shall Severally forfeit the Sum of Thirty Shillings Sterling—

AND WHEREAS it may not be Convenient or Practicable for the Several persons Obliged by this Act to work within the several Divisions to Erect Bridges over the Rivers or Creeks within the same BE IT THEREFORE ENACTED by the Authority aforesaid that in Such Case the Commissioners or Surveyors of such Division Shall and they hereby are Empowered to Contract and Agree with any Person or Persons willing to undertake the Same for the Erecting and Building Such Bridge or Bridges and to defray the Expence of the same by an Equal Assessment upon all persons liable to Work within the said Division PROVIDED nevertheless that where it may appear Necessary to Erect Such Bridge over any River or Creek being between two Divisions that the Labour or Charge of Erecting Such Bridge shall equally be done or raised by Assessment upon both Divisions and that Such Bridge shall afterwards be kept in Repair by the Joint Labour of Such Divisions And if any Person or persons within the Same Shall neglect or Refuse to pay his her or their Assessment the same may and shall be levied upon his her Or their Goods and Chattels in the Manner hereafter Mentioned—

AND BE IT ENACTED by the Authority aforesaid that every Male White Inhabitant or Free Negro or Mulatto within this Province who being duly summoned to work within the Respective Divisions

visions wherein by this Act such Male White Inhabitants Free Negro or Mulatto are Obliged to Work shall Neglect or Refuse to Obey such Summons Shall for Every day he or they Shall Neglect or Refuse to Appear And Work as aforesaid forfeit the Sum of Five Shillings Sterling Excepting the Inhabitants of the Division of the Town of Savannah who shall forfeit a Sum not Exceeding Two Shillings Sterling for every Such Neglect or Refusal as aforesaid and for every Day the Owner Manager or Employer of any Male Slave liable to Work as aforesaid Shall Neglect or Refuse to send such Slave to perform such Work he she or they shall forfeit a Sum not exceeding Two Shillings Sterling Cases of Sickness always and only Excepted—

AND from preventing the Dangers that may arise from any Numerous Meeting of Slaves BE IT ENACTED by the Authority aforesaid that every Male White Inhabitant liable to work as aforesaid Shall when Summoned & Appearing on the Road within his Division in Obedience to Such Summons Carry with him one Good and Sufficient Gun Muskett or pair of Pistols and at least twelve Cartridges to fitt the Same or twelve Loads of Powder and Ball under the penalty of Five Shillings Sterling for every day he Shall Neglect so to do—

AND forasmuch as the working upon the Several Roads in the Province is of Publick Utility and a necessary Duty to be performed BE IT ALSO ENACTED by the Authority aforesaid that no civil

Civil Officer or any Person Whatsoever Shall on any pretence Execute any Warrant or process (Unless for Treason Felony or Breach of the Peace or for any Act Matter or Thing done Contrary to the Tenor and purport of this Act) on any person whatsoever during the Time Such person shall be working upon the said Roads or in going to or Returning from Working upon the same or within 24 Hours after such person shall be discharged from working upon such Road under the Penalty of Forty Shillings Sterling and the Service of Such Warrant or process on any such person as aforesaid is hereby Declared to be Void to all Intents & Purposes And all Implements of Labour which by this Act or by the Direction of the Several Commissioners or Surveyors of each Division shall be Required to be provided by any person by this Act Obliged to work within the Same Shall not be Liable to be Seized distrained or taken in Execution for any Cause Matter or Thing whatsoever (Except for any payment or Assessment mentioned in or for any fine or forfeiture Incurred by this Act) And in Case any Person Shall Seize Levy or Distrain upon Any such Implements of Labour (Except as above Excepted) Every Such person Shall forfeit the Sum of Forty Shillings Sterling—

[purport]

AND BE IT ENACTED by the Authority aforesaid that the Commissioners or Surveyors aforesaid or any one of them shall and hereby have full Power and Authority to Nominate and Appoint one or More Overseer or Overseers in their Respective Divisions to Attend View Manage and Direct

Direct all Persons Working within the Same and Such Overseer or Overseers have hereby full Power and Authority to Correct any Slave or Slaves Neglecting the Work by them directed to be done by Whipping them with a Cowskin Switch or Whip not exceeding Twenty Lashes AND in Case of any White Person Free Negro or Mulatto Neglecting to Work or perform the Duty Required of him or them the Commissioners or Surveyors shall upon Report and proof thereof by the said Overseer or Overseers fine every person so Offending in a Sum not exceeding Five Shillings Sterling for every such Offence And if any person or persons Chosen Overseer or Overseers as aforesaid Shall refuse to Act as such or After Accepting the said Office shall Neglect to do and perform the Duty thereof Such person or persons so refusing or Neglecting Shall at the discretion of the said Commissioners or Surveyors be fined in a Sum not exceeding Thirty Shillings Sterling for every such Offence—

AND BE IT ENACTED by the Authority aforesaid that if any person or persons whatsoever shall at any time Stop up alter or in Any wise damage by stopping of Water or by any Means whatever any of the Roads Bridges Causeways Rivers Creeks passages or Water Courses already Laid Out Cleared and Erected by Virtue of this or Any former Act or Acts of the General Assembly of this Province Every Person or Persons so offending shall be Summoned and Required by the several Commissioners or Surveyors of the Division where such Offence shall be Committed or by the Majority of

of them forthwith to Amend Clear or Repair the same And in Case of the Refusal or Neglect of the Party or Parties offending so to do such Person or Persons so offending shall be fined at the discretion of the said Commissioners or Surveyors in a Sum not exceeding Five Pounds Sterling And the said Commissioners or Surveyors or the Majority of them are hereby required and impowered to Hire and Employ such a Number of hands as may be necessary to Amend Repair or Clear the same and the Expence of Such Amendment Repair or Clearing shall be defrayed and paid by the Person or Persons so neglecting and Refusing as aforesaid Which Fine and Expence shall on Refusal of payment be levied as in this Act is hereafter directed—

AND BE IT ENACTED by the Authority aforesaid that the Several Roads already laid out or to be Laid out within the Several divisions shall be twenty four feet wide and that the Commissioners or Surveyors of each Division shall give directions that such Trees shall be left standing upon or near the Line of such Road as may be the most Convenient for shading the same and in Case any Person or Persons whatever after such Road is laid out and Cleared shall cut down any Tree growing within ten feet of such Road such Person or Persons shall forfeit and pay for every Tree so cut down a Sum not exceeding Twenty shillings Sterling at the discretion of the Commissioners or Surveyors aforesaid—

AND BE IT ENACTED by the Authority aforesaid that if any person or persons whatever shall

shall by themselves their Slaves or Servants (for whom the Respective Owners Managers Employers or Masters shall be answerable) by any Ways or Means whatever Obstruct or stop the Passage of any of the Roads Bridges Rivers or Creeks within any Division in this Province or hinder or forbid any Traveller from going thro' or upon the same or Obstruct or oppose the Commissioners or Surveyors of such Division or the Overseers White Persons Free Negroes or Mullattoes or Slave Working in and upon or Clearing the same in so doing or in Cutting down felling or making Use of any Trees or Timber Wood Earth Land or Stones in or near the same for Mending Making or Repairing the said Roads and Bridges or any Causeways whatever within the same such Person or Persons so offending shall forfeit a Sum not exceeding Ten Pounds Sterling to be Recovered and applied as in this Act is hereafter directed—

AND for the better and more effectual Carrying this Act into Execution BE IT ENACTED by the Authority aforesaid that the several Commissioners or Surveyors Nominated and Appointed or to be nominated and appointed by virtue of this Act shall meet yearly and every year on the Monday next after Easter and on the first Monday in July at the most Convenient place within the Respective Parishes or at the Choice of such Commissioners or Surveyors and then and there determine all Matters Relating to the Several Roads Bridges Creeks Rivers Causeways passages or Water Courses already laid out Erected Cleared or Made or to be laid

laid out Erected Cleared or Made within their Respective Parishes and Also Assign any Particular Part of the duty to be performed by any particular person or persons Commissioner or Surveyor And to Appoint the time or times of working within their Divisions and if necessary to divide the same And also in pursuance of this Act to Chuse other Commissioners or Surveyors in the Room of any dying departing the Province declining Refusing or Neglecting to Act all which shall be agreed upon and determined by the Majority of the Commissioners or Surveyors then present—

AND WHEREAS the Danger of Fire is particularly and greatly to be dreaded as much as can be guarded against within the Town of Savannah and Hamlets thereunto adjoining BE IT THEREFORE ENACTED by the Authority aforesaid that two thirds of the Fines Levied upon the several persons Liable to Work within the said Town or the Limits of the Commons thereof including the Hamlets of Yamacraw Ewensburg and the Trustees Gardens and the Settlements to the Eastward of Musgroves Creek shall be and the several Commissioners or Surveyors of the Town Division are hereby impowered to Cause the same to be applied to the Sinking and Repairing such Wells as may be thought Necessary for the Safety and Conveniency of the Inhabitants of the Town and Hamlets aforesaid And the said Commissioners or Surveyors are hereby directed to Cause the several Stumps Roots Weeds and Bushes within the said Town Common and Hamlets to be effectually Cut and Rooted and Grubbed up— And

AND WHEREAS the opening a Safe and Convenient Communication by Water throughout the Province is a Matter of great Moment to the Interest of the same in general and of those divisions that border upon the several Creeks and Rivers in particular BE IT THEREFORE ENACTED by the Authority aforesaid, that the several Commissioners or Surveyors of the Several Divisions in this Act mentioned Shall be and they are hereby Impowered whenever the Good Condition of the Roads Causeways Bridges passages and Water Courses within their respective Divisions will allow it to make Cuts off from River to River or from Creek to Creek and to Clear and Open the Several Rivers and Creeks within the same and to employ in such Cuts off and Clearing the several Persons Obliged by this Act to Work within such Divisions for and during the whole or any part of the time such persons are Obliged to Work upon the Roads within the same and which time shall be in lieu of the time or work Required to be done upon the Roads And Every Person or Persons Refusing to Work upon such Cuts off or in Clearing the Rivers and Creeks as aforesaid when thereunto duly summoned by the Commissioners or Surveyors as aforesaid shall be Liable to the same penalties as are in and by this Act inflicted on those persons who neglect or Refuse to work upon the Roads within the Several Divisions in this Province—

AND BE IT ENACTED by the Authority aforesaid that where Ever the Commissioners or Surveyors of any Division Shall by Virtue of this Act

Act appoint Ferries over any River or Creek within the same such Commissioners or Surveyors shall agree with a Proper person to Attend the same and provide and find a Sufficient Boat or Flatt for such Ferriage and Shall settle the Rates to be taken for the same which Rates it shall be Lawful to Demand and take and the same shall be accordingly paid untill the next meeting of the General Assembly and Untill other Rates are settled or those settled as aforesaid Confirmed by the Authority thereof PROVIDED that in the Appointment of and agreement for Attending such Ferry the preference shall always be given to those persons upon whose Land Such Ferry shall be Established But in case such person or persons shall refuse accepting the charge of said Ferry the Commissioners or Surveyors may and they are hereby authorized to lay out a piece of ground not exceeding one acre for the Use of the person or persons who may accept the same upon such Person or Persons paying the Owner or Owners of such Land a reasonable yearly Rent to be ascertained by three neighbouring Freeholders to be chosen by the several Commissioners or Surveyors of the Division and such Owner or Owners—

AND BE IT ENACTED by the Authority aforesaid that the Commissioners Or Surveyors within their respective divisions upon Application being made to them by any person or persons Concerned shall and they hereby have Power and Authority to lay out any private Path for the Conveniency of Particular Settlements to the nearest Publick Road Bridge Ferry or Landing Place which

Roads

Roads are to be Cleared Opened and Kept in Repair Solely by and at the Joint Expence of the Person or Persons applying for the same to be laid out or who shall use the same in Common—

AND BE IT ENACTED By the Authority aforesaid that All Assessments fines and forfeitures directed and Inflicted by this Act (shall upon Refusal of Payments by any Person or Persons Assessed or fined by Virtue of the same be Levied by Warrant of Distress and Sale of the Offenders Goods under the Hands and Seals of the Majority of the Commissioners or Surveyors of the Division in which the same shall be assessed or be incurred and directed to any Constable of the Parish wherein the Person or Persons Offending against this Act Refusing to pay and incurring the same shall reside And Shall (Unless otherways disposed of by this Act) be applied towards the Repairs of the several Roads Bridges and Causeways or the Clearing of any Rivers or Creeks within such Division And the several Commissioners or Surveyors of the several Divisions within this Province Shall be accountable to the Governor or Commander in Chief and Council or to the General Assembly when Sitting for all Assessments made and fines Levied by Virtue of this Act whenever they shall thereunto be required—

AND BE IT ENACTED by the Authority aforesaid that if any Commissioner or Surveyor appointed or hereafter to be appointed by virtue of this Act shall not duly and every Day attend upon the Roads Rivers and Creeks within their Respective Division

Divisions during the Time of Working upon the Same or at any and every other time or times by this Act Appointed or whenever thereunto Required by the Majority of the Commissioners or Surveyors of such Division if any of the said Commissioners or Surveyors so appointed shall after accepting the said Office refuse or neglect to do and perform the several duties required of them in and by this act then and in such case such commissioner or surveyor shall by and at the discretion of the Majority of the other Commissioners or Surveyors of His Division be adjudged to forfeit a Sum not exceeding Three pounds Sterling to be levied and Applied as herein before directed Provided that this Clause shall not extend or be construed to extend to inflict any Fine or Penalty on any Commissioner or Surveyor who after serving by Vertue of this or any former Act of Assembly the Space of Three Years shall choose to decline the said Office—

AND BE IT ENACTED by the Authority aforesaid that if any Commissioner or Surveyor of the Roads Overseer Constable or other person whatever shall be sued Arrested or Impleaded for any Matter Act or Thing which he or they shall do or Cause to be done by Virtue and in Pursuance of this Act it shall and may be Lawful for every such Commissioner or Surveyor of the Roads Overseer Constable or other Person to plead the general Issue and give this Act and the Special Matter in Evidence and in Case the Plaintiff or Prosecutor shall suffer a discontinuance enter a Noli prosequi Suffer a Nonsuit or if a Verdict or judgment shall pass against him

him he shall Pay to every defendant that shall be acquitted or for whom Judgment shall pass Double Costs of Suit And any Court in this Province where such Prosecution shall be brought is hereby fully Authorized and Impowered to give Judgment and award Execution Accordingly—

AND BE IT ENACTED by the Authority aforesaid, that this Act shall continue and be of Force for and during the Term of Three Years and from thence to the End of the next Sessions of the General Assembly and no longer—

By Order of the Upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly

ALEX WYLLY Speaker

Council Chamber 6th March 1766

Assented to

JA: WRIGHT.

State

(State Archives.)

AN ACT

For Encouraging Settlers to come into the Province and for granting to his Majesty the Sum of One thousand Eight hundred and fifteen pounds Sterling to be issued in Certificates by the Commissioners herein named for the said Purpose and also for the Rebuilding the Court house in Savannah in Consequence of an Act of the General Assembly passed the twenty ninth Day of February one thousand seven hundred and sixty four—

WHEREAS the Encouraging Settlers to come into the Province will be the greatest Benefit and Advantage thereunto and as it appears that many Families are Inclined to Remove with their Effects into the same provided any Encouragement could be given them WE therefore pray your most sacred Majesty that it may be Enacted and BE IT ENACTED by his Excellency James Wright Esquire Captain General and Governor in Chief of his Majesty's Province of Georgia by and with the Advice and Consent of the Honorable Council and Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That for and during the Space of three Years next ensuing the passing of this Act when any Number of Families being protestants not less than forty each family to consist at least of one One Man above the Age of Sixteen Years and One Woman

man shall Arrive in this Province And shall produce to the Governor and Council sufficient Testimony of their good Character a Township shall be Immediately allotted and laid out in some Convenient spot for their Residence which allottment and the several Surveys of the Respective tracts in Proportion to the Number in each Family and also the Several Fees due to the several Offices for passing their Grants thro' their Respective Offices shall be defrayed by the publick and paid by the Treasurer as is hereinafter directed—

AND BE IT ENACTED by the Authority aforesaid that a publick Road shall be Run out and Marked from every Township that may hereafter be allotted and laid out as aforesaid in a Convenient Line to some publick Road by Order of the Commissioners of the Roads for the Respective Parishes where such Township are Situate The Expence whereof shall be defrayed by the publick and payed by the Treasurer as herein after directed—

AND BE IT ENACTED by the Authority aforesaid that the persons so coming in being protestants and Settling in Townships as aforesaid in pursuance of this Act shall be exempted from all Provincial Taxes except for their Slaves for and during the space of ten Years from the Time of their Settlement as aforesaid—

AND for the defraying the Expence that may Arise from the Encouragement given to Settlers as aforesaid and other purposes hereinafter mentioned Be

For Encouraging Settlers to Come Into the Province.

BE IT ENACTED that the Sum of One thousand Eight hundred and fifteen Pounds be granted to his Majesty to be Raised disposed of and Sunk as is hereinafter Mentioned—

AND BE IT ENACTED by the Authority aforesaid that Immediately from and after the passing of this Act it shall and may be lawful to and for the Commissioners herein after appointed and they are hereby directed and Empowered to Stamp Imprint and Sign paper Certificates to the Amount of the said Sum of One thousand eight hundred and fifteen pounds in Bills of One Pound each which Certificate shall be of the tenor and in the Words and figures following and with such device as the said Commissioners shall think proper Viz.t

This Certificate of One pound Sterling due from His Majesty's Province of Georgia for the Encouragement of Settlers and Rebuilding the Court House in Savannah shall pass Current and be taken in all payments to the Treasurer of this Province untill the first day of March in the Year of our Lord One thousand seven hundred and seventy one and No longer dated the day of Anno Domini 1766—

AND BE IT ENACTED by the Authority aforesaid that The Honorable Noble Jones Grey Elliott and Alexander Wylly Esq.rs and John Smith and William Ewen Esqrs shall be and they are hereby Nominated and Appointed Commissioners for Stamping Imprinting and Signing the Certificates

cates aforesaid according to the true Intent and Meaning of this Act—

AND BE IT ENACTED by the Authority aforesaid that the said Commissioners shall pay into the Hands of the Treasurer of this Province the said Sum of One thousand eight hundred and fifteen pounds first deducting the Expence of Imprinting the same and the said Treasurer is hereby directed to Apply the same Agreeable to the directions of this Act and to and for no other Purpose whatever—

AND BE IT ENACTED by the Authority aforesaid that the said Sum of One thousand eight hundred and fifteen pounds granted to his Majesty for the purposes aforesaid shall be sunk by the General Tax to be raised in this Province in Manner following that is to say the Sum of Two hundred and fifteen Pounds part of the said Sum of One thousand eight hundred and fifteen pounds to be sunk by the General Tax to be Raised for the present Year one thousand seven hundred and sixty six and the Remaining Sum of sixteen hundred pounds or such part thereof as shall be issued Agreeable to the Direction of this Act—to be sunk by the General Tax within the Term of five Years—

AND BE IT ENACTED by the Authority aforesaid that if any person or persons whatever shall forge or counterfeit any of the Certificates by this Act directed to be Stamped and Imprinted or shall Alter or pass any forged or Counterfeit Certificate knowing the same so to be or shall council advise

advise procure or in anywise assist in the forging counterfeiting stamping imprinting or signing any such forged or Counterfeit Certificate every such Offender or Offenders being thereof Legally convicted shall be Adjudged Guilty of Felony without Benefit of Clergy—

AND BE IT ENACTED by the Authority aforesaid that the Treasurer shall upon an Order from the Governor and Council pay to the Several Officers or any other person by the said Governor and Council appointed to Receive the same the Several Fees and Expences of Surveying and passing thro' the Several Offices the Grants for such Lands as may be granted to Settlers coming into the Province as aforesaid and also any Expence of a General Survey of any Township and running out and Making any Road therefrom as aforesaid

AND WHEREAS by an Act of the General Assembly of this Province passed the twenty ninth day of February one thousand seven hundred and sixty four Intitled an Act &c. the several Commissioners therein named were Authorized and Empowered to pull down the Old Court House and Rebuild another in its Stead and the Expence of Rebuilding the same was to be Certified to the Governor and Council who were thereby Empowered to give Orders on the Treasurer of this Province for the said Expence to be paid out of the Monies provided or to be provided for that purpose

AND WHEREAS the Sum of three hundred pounds has been provided for the said Expence which

which appears to be very Inadequate to the purpose Intended And the Immediate Rebuilding the same being Indispensably Necessary To Enable therefore the said Commissioners to carry the said Act into Execution BE IT ENACTED by the Authority aforesaid that the Governor and Council may on Certificates from the Commissioners by the said Act appointed or any three of them as in the said Act is directed give Orders on the said Treasurer for the further Sum of seven hundred pounds which Sum the said Treasurer is hereby Empowered to pay out and pass to the Account of the Certificates to be issued for the Sum of one thousand eight hundred and fifteen pounds Granted to His Majesty in and by this Act—

By Order of the Commons House of Assembly

ALEX WYLLY Speaker

By Order of the upper House

JAMES HABERSHAM President

Council Chamber 6th March 1766

Assented to

JA: WRIGHT.

State

To Prevent Stealing of Horses and Neat Cattle.

(State Archives.)

AN ACT

For the further Continuance of an Act to prevent stealing of Horses and neat Cattle and for the more Effectual Discovery and Punishment of such Persons as shall unlawfully Brand Mark or Kill the same—

WHEREAS an Act of the General Assembly of this Province, intitled, "an Act to prevent Stealing of Horses and Neat Cattle, and for the more effectual Discovery and Punishment of such Persons as shall unlawfully brand, mark, or kill the same" was passed the Twenty-seventh Day of March, one Thousand seven hundred and fifty, and was to continue and be in force for five Years, and from thence to the End of the next Session of the General Assembly, AND WHEREAS the said Act was further continued by an Act of the General Assembly, passed the Twenty-ninth Day of May, One thousand seven hundred and sixty-four, Entitled, "an Act for Continuing several Laws therein mentioned," untill the first Day of January, one Thousand seven hundred and sixty-five, and from thence to the End of the next Session of the General Assembly; AND WHEREAS THE said Act was further Continued by an Act of the General Assembly, passed the Twenty-fifth Day of March, one Thousand Seven hundred and sixty-five intitled, An Act to Continue

several

several Acts therein mentioned," untill the first Day of November, one Thousand seven hundred and sixty-five, and from thence to the End of the next Session of the General Assembly; AND WHEREAS the same is near expiring, WE therefore pray your most sacred Majesty that it may be Enacted, and be it Enacted, by his Excellency James Wright, Esquire, Captain-General, Governor and Commander in Chief in and over his Majesty's Province of Georgia, by and with the Advice and Consent of the Honorable Council and Commons House of Assembly of the said Province, in General Assembly met, and by the Authority of the same, That the said Act, Intitled, "An Act to prevent Stealing of Horses and Neat Cattle, and for the more Effectual Discovery and Punishment of such Persons as shall unlawfully brand, mark, or kill the same," shall further Continue and be in force until the Ninth Day of June, one Thousand seven hundred and sixty-six, and from thence to the End of the next Session of the General Assembly, and no longer.

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly

ALEX WYLLY Speaker

Council Chamber 6th March 1766

Assented to

JA: WRIGHT.

State

(State Archives.)

AN ACT

to Explain and amend an Act for the better regulating Taverns, Punch Houses, and Retailers of Spirituous Liquors—

WHEREAS, in and by the Act for the better regulating Taverns, Punch-Houses, and Retailers of Spirituous Liquors, it is, among other Things, enacted, that no Tradesman whatsoever, capable of getting a Livelihood for themselves and Families by their Labour and Industry, shall have or obtain any Licence for keeping a Tavern, or Punch-House, or for retailing any Spirituous Liquors, and many Doubts having arisen concerning the true meaning and Intent of the same, We pray your most sacred Majesty that it may be Enacted, AND BE IT ENACTED, by his Excellency James Wright, Esquire, Captain General and Governor in Chief of his Majesty's Province of Georgia, by and with the Advice and Consent of the Honourable Council and the Commons House of Assembly of the said Province, in general Assembly met, and by the Authority of the same, that, immediately from and after the passing of this Act. it shall and may be lawful to and for his Majesty's Justices of the Peace in the said Province to grant Certificates, under their Hands and Seals, agreeable to the Tenor and Directions of the said Act, to any Carpenter. Joiner, Bricklayer, Plaisterer, Shipwright, Silver or Goldsmith, Shoe maker, Smith, Tanner, Cabinet-maker, or Cooper,

or

or to any Person exercising any Trade whatever, where it shall appear that by Age or any Losses, Misfortunes, Sickness, or by the Number of such Person's Family, he is thereby rendered incapable of maintaining his said Family by his Labour in such his Trade, of which Circumstances the said Justices are hereby empowered to Judge; And upon such Certificate being granted to such Person as aforesaid, the Treasurer is hereby required to grant the said Person a Licence to keep a Tavern or Punch-House, or to retail spirituous Liquors, as the Case may be, agreeable to the said Act, any thing in the same to the contrary notwithstanding—

By Order of the upper House

JAMES HABERSHAM President.

By Order of the Commons House of Assembly

ALEX WYLLY Speaker

Council Chamber 6th March 1766.

Assented to

JA: WRIGHT.

State

(State Archives.)

AN ACT

To Amend an Act for the better Regulating the Town of Savannah and for Ascertaining the Common thereunto belonging and also to Authorise and Empower the Church Wardens and Vestry of the Parish of Christ Church to Appoint a Beadle for Purposes herein mentioned.

WHEREAS, in and by an Act, passed in the Second General Assembly of this Province, Intitled, "an Act for the better Regulating the Town of Savannah, and for ascertaining the Common thereunto belonging," it was, among many other Things, Enacted, that no Person or Persons should lay any Timber, Rubbish, or other Offensive Thing, in any of the Squares, Streets, or Lanes, within the said Town of Savannah, under certain Fines and Penalties therein mentioned: AND WHEREAS the Method of Remedying the above Grievance is deemed insufficient, and the same now loudly calling for Redress; And as it appears Necessary that some person should be Appointed to Enforce the said Act; We therefore humbly pray your most Sacred Majesty that it may be Enacted, AND BE IT ENACTED, by His Excellency James Wright, Esquire, Captain-General and Governor in Chief of His Majestys Province of Georgia, by and with the Advice and Consent of the Honorable Council and Commons House of Assembly of the said Province, in General Assembly met, and by the Authority of the same, That

That, Immediately after the passing this Act, the Church-Wardens and Vestry of the Parish of Christ-Church shall, and they are hereby directed and Empowered to appoint a proper person to be Beadle of the said Parish, and to Allow him such a Salary as they may deem sufficient for the discharge of the said Duty, which salary shall be deemed a parochial charge, and shall be raised by Assessment paid and defrayed in the same Manner other parochial Charges Usually are, which person so appointed Beadle as aforesaid shall, Besides the Usual and Customary duty, do and perform such Matters and Things as may in and by this Act be hereafter directed by him to be done, AND the said Church-Wardens and Vestry are hereby directed and Empowered, on Tuesday in Easter Week Yearly and every Year, to Nominate and Appoint a proper Person, or to Renominate and Reappoint the person who served in the Office of Beadle the foregoing Year, to be Beadle for the said Parish for the Year ensuing, and in Case of Misbehavour of any person so to be appointed or Reappointed as aforesaid, The said Church-Wardens and Vestry are hereby Empowered and Directed, at any Time when such Misbehaviour shall appear, to displace such person, and appoint another in his Room for and during the Remainder of the Year, and Untill the Yearly appointment on Tuesday in Easter Week then next ensuing as aforesaid—

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that, Immediately from and after the Appointment of a Beadle as aforesaid, the said

said Beadle is hereby directed and Empowered to go Round the said Town, and Inspect the several Streets, Lanes, and Squares therein, at least once in every Week, And to give Notice to the Owner, Lessee, or Possessor, of any and every Lot, or his, her or their Attorney, in any of the said Streets, Squares, or Lanes, where it shall appear any Rubbish, Sand, Dirt, Ashes, Stable Litter, Dung, or any other Offensive thing, is laid or lying in any of the said Streets, Lanes, or Squares, adjoining to or before the Extent of such Lot, Immediately to Remove the same without the Limits of the said Town, and lay the same in a Certain Hollow in the Common of the said Town at the Back of the Burying Ground, and, upon his, her, or their Neglect or Refusal of so doing, within eight Days after Notice so given, the said Beadle shall Report such Neglect to the Commissioners appointed by Virtue of the Act aforesaid, or any two of them, and the Person or Persons so Neglecting or Refusing shall forfeit and pay a Sum not exceeding Ten Shillings Stg; And the said Commissioners, or any two of them, are hereby Impowered and Directed to Hire and Employ Labourers, Carts, Horses, and other Utensils, to Remove the same, the Expence whereof to be paid by the Person or Persons so Neglecting or Refusing, And the said Expence, together with the penalty as aforesaid, to be recovered and Levied by Warrant of Distress and Sale of the Offender's Goods, under the Hands and Seals of the said Commissioners—

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that if any person or persons whatsoever

whatsoever shall throw or lay any Rubbish and Dirt, Ashes, Stable Litter, Dung, or any other Offensive thing, in any of the Squares, Streets, or Lanes, within the said Town of Savannah, before or adjoining the Extent of the Lot or Lots belonging to any other person, or any of the publick Lots, such person or persons so Offending shall, upon Information and Conviction thereof before any three of the said Commissioners, forfeit and pay, for every such Offence, Ten Shillings Sterling, to be Recovered as herein before is directed, And shall Moreover be subject to the several payments and penalties by this Act before Inflicted, in Case the same be not removed within eight Days after such Conviction, and in Case any person or persons, who shall Remove any such Rubbish, Sand, Dirt, Ashes, Stable Litter, Dung, or other Offensive Thing, without the Limits of the Town aforesaid, and shall not lay the same in that part of the Common as in this Act is directed, such Person or Persons shall be deemed offenders against this Act, and shall be liable to the same Fines and Penalties as if the same had never been removed—

AND WHEREAS there are many Lots in the said Town appropriated to publick Uses, BE IT THEREFORE ENACTED, by the Authority aforesaid, that the Commissioners aforesaid are hereby directed and empowered to Hire Labourers, Horses, Carts, and other Utensils, to remove any Rubbish, Sand, Dirt, Ashes, Stable Litter, Dung, or any Offensive Thing, which may be upon, before,

or

or Adjoining such Lots, the Expence of which Removal shall be defrayed by the Public—

AND BE IT ENACTED, by the Authority aforesaid, That all Owners, Possessors, or Lessees, of any Lots in any Square, Street, or Lane, within the said Town, on which any Necessary House or Privy Now is or hereafter may be Erected, shall be Obliged, within six Months after the passing of this Act, or after Notice to him or them given, to sink the same at least five feet below the Surface of such Lot, under the Penalty of five Pounds Sterling, to be Recovered and Applied as in and by this Act is Directed, And the aforesaid Beadle is hereby directed and empowered to give such Notice where the same may be necessary, and to Inform the Commissioners of every Defaulter against this Act.

AND WHEREAS many Persons Possessors of Lots in the said Town are Willing to Erect Posts before the same, and to pave the Several Steets and Squares on which their Lots front within the said Posts, BE IT THEREFORE ENACTED, by the Authority aforesaid, That, Immediately from and after passing of this Act, it shall and may be lawful to and for any Owner, Lessee, or Possessor, of any Lot or Lots in any of the Streets or Squares in the said Town of Savannah, to Erect Posts before their Respective Lots, the outside of which posts shall be eight feet from the front Lines of the said Lots, not exceeding twelve feet on the Strand or Bay, and shall be four feet high, and ten feet distant from each other, and may pave with Stone, Brick, or Tile, within

within the same, any Law, Usage, or Custom, to the Contrary notwithstanding—

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that if any Person or Persons shall ride any Horses, drive any Carriage, Cattle, or roll any Casks or Wheel barrows on the said Pavements, or within the said Posts, and shall be convicted thereof before any three of the said Commissioners, he she or they, so Offending, shall forfeit and pay a Sum not exceeding ten Shillings Sterling, to be recovered as aforesaid—

WHEREAS the keeping of Doggs, and Suffering them go at large in the Streets of the Town of Savannah, and on the publick Roads in other Parts of this Province, to the Annoyance and Damage of Persons passing in the said Streets, or travelling on the Said Roads, on their lawful Occasions, is become a very great Nuisance, BE IT THEREFORE FURTHER ENACTED, by the Authority aforesaid, That, from and after the passing of this Act, it shall and may be lawful for any Person to kill and destroy all and every such Dog or Dogs, so going or being loose and at large, that shall Bark or run At any Person or Persons in any of the said Streets or on any of the said Roads, And if any Person shall be bit, have their Cloaths tore, or be otherwise damaged, the Owner or Possessor of such Dogg shall forfeit and pay the Sum of ten Shillings Sterling, over and above the making Satisfaction to every Person damaged as aforesaid, to be recovered, if in Savannah, as other forfeitures in this Act directed

rected, and if in any other Part of this Province, by Warrant of any one Justice of the Peace, for the Use of the Poor of the Parish where such Offence shall be—

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that all fines and forfeitures by this Act Inflicted shall be, and they are hereby directed to be paid to the Church-Wardens and Vestry of the Parish of Christ-Church for the Time being, and applied towards the payment of the parochial Charges—

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That this Act, and every Matter and Thing therein contained, shall be and continue in Force for and during the Term of three Years, and from thence to the End of the next Session of the general Assembly, and no longer—

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly—

ALEX WYLLY Speaker

Council Chamber

Assented to 6th March 1766

JA: WRIGHT.

State

(State Archives.)

AN ACT

To Amend an Act for the better ordering and Governing Negroes and other Slaves in this Province and to prevent the Inveigling or Carrying away Slaves from their Masters or Employers—

WHEREAS, by the twenty-third Clause of the Act for the better Ordering and Governing of Negroes and other Slaves in this Province, and to prevent the Inveigling or carrying away Slaves from their Masters or Employers, it is Enacted, that in Case any Slave shall be put to death, in pursuance of the Sentence of the Justices of Peace, Empowered by the said Act to try such Slave, the said Justices, or One of them, before he or they Award and Order their Sentence to be executed, shall Cause any two Freeholders to Appraise and Value the said Negroes so to be put to death, and the Appraisers to value upon Oath, and shall Certify such Appraisement to the Treasurer of this Province, who is hereby Authorized to pay the same to the Owner of such Slave, or to his order AND WHEREAS Slaves must greatly decrease in Value, from being Guilty of Crimes deserving Capital Punishment, and, for want of a Limited Value for such Slave so appraised, many Abuses may Happen, And as two Freeholders may not be such competent Judges of the Value of such Slave or Slaves as the Justices and Jury who tried him, her, or them, WE therefore pray Your most

Most Sacred Majesty that it may be Enacted, AND BE IT ENACTED, by his Excellency James Wright, Esquire, Captain-General and Governor in Chief in and Over his Majesty's Province of Georgia, by and with the Advice and Consent of the Honorable Council and Commons House of Assembly of the said Province, in General Assembly met, and by the Authority of the same, that Immediately from and after the passing of this Act, in Case of any Slave or Slaves being Sentenced to Suffer Death, he, she, or they, shall be appraised by the Justices and the whole Jury who found him, her, or them, Guilty, which Appraisement shall not exceed the Sum of Forty Pounds Sterling for any One Slave, any thing in the said Act Contained to the Contrary Notwithstanding—

AND WHEREAS it has happened that Slaves, the property of Inhabitants of other provinces, have committed Crimes in this province for which they have been sentenced to have suffered death, from whence doubts have arisen whether such slaves ought to be paid for agreeable to the said recited act, be it THEREFORE ENACTED, by the Authority aforesaid, that no Slave or Slaves whatever which, after the passing of this Act, shall be sentenced to suffer death, shall be paid for by this province, unless such Slave or Slaves, at the Time of his, her, or their Committing the Crime for which he, she, or they, shall be sentenced, shall Clearly appear to have been the property of an Inhabitant of this Province, or of some Person having a settled Plantation therein

therein, whereon such Slave or Slaves, at the Time of the Crime committed, was or were employed—

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly,

ALEX WYLLY Speaker

Council Chamber 6th March 1766

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT

For amending an Act for holding special or extraordinary Courts of Common Pleas for the Tryal of Causes arising between Merchants, Dealers and others and Ship Masters Super-cargoes and other transient Persons

WHEREAS, by an Act passed by the general Assembly of this Province, intituled, "an Act for holding special or extraordinary Courts of Common Pleas for the Tryal of Causes arising between Merchants, Dealers, and others, and Ship-masters, Super-

per-cargoes, and other Transient Persons, it is Enacted, that the Chief-Justice and Justices of the general Court of Pleas within the same shall, upon Application, order and appoint such Special or Extraordinary Court, within seven Days after such Application, for the tryal of any Cause or Matter in Difference, being within the meaning of the said Act: AND WHEREAS it often happens that the Defendants in such Causes reside at a great distance from Savannah, so that it is impracticable to make a return of the writ issued in such Cause within the space of seven Days as aforesaid; We therefore pray your most sacred Majesty that it may be Enacted, AND BE IT ENACTED, by his Excellency James Wright, Esquire, Captain-General and Governor in chief of this his Majesty's Province of Georgia, by and with the Advice and Consent of the Honourable Council and the Commons House of Assembly of the said Province, in general Assembly met, and by the Authority of the same, that, immediately from and after the passing of this Act, upon any Application being made to the Chief-Justice or Justices of the General Court of Pleas in this Province, for any special or extraordinary Court of Common Pleas to be held for the tryal of any Cause or Causes by virtue of the said Act, it shall and may be lawfull to and for the chief-Justice or Justices aforesaid, at his or their discretion, to order and Appoint such Special or extraordinary Court to be held at any Time within twenty Days as the necessity of the Case may require, after such Application, any thing in the said Act to the contrary notwithstanding—

By

By Order of the upper House

JAMES HABERSHAM President

By Order of The Commons House of Assembly

ALEX WYLLY Speaker

Council Chamber 6th March 1766

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT

For Establishing a Ferry from the Plantation of Miles Brewton, Esquire near Savannah, to the Plantation of Jermyn and Charles Wright, Esquires, called Rochester, in the Province of South Carolina, and for vesting the same in the said Miles Brewton, Esquire, his Executors, Administrators, and Assigns, for and during the term of Seven Years—

WHEREAS a Law has passed in the Province of South Carolina, for the Establishment of a Road and Ferry at the Plantation of Jermyn and Charles Wright, Esquires, called Rochester, situated on the North Side of Savannah River, in the said Province; AND WHEREAS it is necessary that a ferry should

should be Established on the South Side of the said River, as near Opposite the Ferry before mentioned as may be, which will tend to the Conveniency of and promote a Speedy Communication between both provinces: WE therefore pray your most sacred Majesty that it may be Enacted, AND BE IT ENACTED, by his Excellency James Wright, Esquire, Captain-General and Governor in Chief of this his Majesty's Province of Georgia, by and with the Advice and Consent of the Honorable Council and Commons House of Assembly of the said Province, in General Assembly met, and by the Authority of the same, that a publick Ferry shall be, and the same is hereby Established, upon Savannah River, from the Plantation of Miles Brewton, Esquire, to the plantation of Jermyn and Charles Wright, Esquires, called Rochester, on the Opposite side of the said River, which said Ferry is hereby vested in the said Miles Brewton, his Executors, Administrators, and Assigns, for the space of Seven Years next ensuing the passing of this Act—

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that the said Miles Brewton, his Executors, Administrators, or Assigns, shall, and he or they are hereby required to make and keep in repair the Road and Causeway on his Plantation aforesaid, leading to the River Savannah, and to provide and keep One or more Good Substantial Ferry-boat or boats, fit to Carry six horses at the least, and one white Man, and also a Sufficient Number of Slaves or Servants Constantly to attend the said Ferry, as well by Night as by Day, to carry over the

the Same passengers, their Servants, Slaves, Horses, Cattle, and Carriages, And that it shall and may be lawful to and for the said Miles Brewton, his Executors, Administrators, or Assigns, as aforesaid, to ask, demand, and Receive, for the said Ferriage, the Several Prices and Rates following, and No More, that is to say;

For every Foot Traveller, the sum of One Shilling;—

For each Person and Horse, the Sum of Three Shillings;—

For every Wheel Carriage, the Sum of nine pence per Wheel;

For every single Horse, the Sum of One Shilling and six pence.

For Neat Cattle, the Sum of One Shilling & six pence per head;

For Calves, Sheep, or Hogs, the Sum of Four pence per Head, Lawful Money of this Province.—

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that in Case any Person or Persons going to the said Ferry, in Order to pass the same, shall (tendering the Ferriage as settled by this Act) meet with Unnecessary Delay, or be wilfully Retarded for want of the Ferry-boat, or due Attendance thereupon, as by this Act Required, the said Miles Brewton, his Executors, Administrators, or

or Assigns, shall forfeit and pay, for every time such Delay shall happen, to the Person or Persons so delayed, a Sum not exceeding fifteen Shillings for every hour, to be Recovered, upon proof thereof before any of his Majesty's Justices of the Peace for the Parish of Christ-Church, by Warrant under the Hand and Seal of the said Justice; PROVIDED that the Person so delayed shall make Complaint within one Month next after such Delay shall have happened—

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that the Governor or Commander in Chief of this Province for the Time being, and all Messengers sent in Service of this Government, and all Postmen, be, and they are hereby declared to be Exempted from paying any ferriage for themselves, their Servants, Horses, Carriages, or Baggage, for passing and repassing the same; And in Case of any unnecessary Delay, the said Miles Brewton, his Executors, Administrators, or Assigns, shall forfeit and pay the aforesaid Sum of fifteen Shillings for every Hour, to be recovered as before directed, any thing in this Act to the Contrary notwithstanding—

AND BE IT FURTHER ENACTED, by the authority aforesaid, that the Commissioners or Surveyors of the Eastern Road of this Province Shall, and they are hereby Empowered from Time to Time to Inspect the state of the Ferry-Boat or Boats, the Sufficiency of the Servants or Slaves attending the same, and the Condition of the Road, Causeway, and

and Landing, and, upon any Insufficiency or Damage, to give Notice to the said Miles Brewton, his Executors, Administrators, or Assigns, to Repair or make good the same; And, If within Ten Days after such Notice so given as aforesaid, he or they shall Refuse or Neglect such Repair or Making good as aforesaid, upon proof thereof made before the Majority of the said Commissioners, he the said Miles Brewton, his Executors, Administrators, or Assigns, Shall forfeit the Sum of Two Pounds for Every Day He or They Shall Neglect to Make good such Insufficiency or Damage, to be Recovered by Warrant under the Hands and Seals of the said Commissioners or Surveyors, to be Applied towards the Repairs of the Bridges, Roads, and Causeways, within the Eastern Road in the Parish of Christ Church—

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly

ALEX WYLLY Speaker

Council Chamber 6th March 1766

Assented to

JA: WRIGHT.

State

Regulating the Pilotage of Vessels.

(State Archives.)

AN ACT

For amending An Act for regulating the Pilotage of Vessels into the several Ports of this Province.

WHEREAS the Power and Authority of the Commissioners appointed in and by An Act, intitled, "An Act for regulating the Pilotage of Vessels into the several Ports of this Province," in many Cases have proved insufficient to answer the good Purposes thereby intended:

AND WHEREAS, by the said Act, all Disputes between Masters of Vessels and Pilots are directed to be decided by the Commissioners of the Pilotage where such Dispute shall happen, and the Penalty on the said Masters or Pilots refusing to abide by or fulfill the Decree of such Commissioners is fixed at a Sum not exceeding Twenty Pounds, to be applied towards keeping in Repair the Light-House on Tybee Island, or the Look-Out and Battery on Midway River, wherever the Case may happen, which has often proved Inconvenient, and the Penalty in many Cases insufficient; WE therefore pray your most sacred Majesty that it may be Enacted, and AND BE IT ENACTED by his Excellency James Wright, Esquire, Captain-General and Governor in Chief of His Majesty's Province of GEORGIA, by and with the Advice and Consent of the Honorable Council and Commons House of Assembly of the said Province, in General Assembly met, and by the Authority

Authority of the same, that, immediately from and after the passing of this Act, it shall and may be lawful to and for the several Commissioners nominated in and appointed by Virtue of the said Act, or any five of them, upon any Complaint of Neglect, or other Matter relating to the Pilotage, either by any Master or Commander of a Vessel, or of any Pilot or Pilots, to hear and determine the Matter in Dispute, and, upon, Proof of any Neglect, or of any Act, Matter, or Thing, done contrary to the Intent and Meaning of this Act, or of the Act aforesaid, to fine the Party offending in a Sum not exceeding Twenty Pounds Sterling, to be recovered by Warrant of Distress, under the Hands and Seals of the said Commissioners, and Sale of the Offender's Goods, and such Part of the said Penalty so inflicted and recovered, as the Commissioners inflicting the same shall think reasonable to satisfy any Damage the Party aggrieved, shall suffer by such Neglect, Act, matter or thing, as aforesaid, shall be paid to the said party aggrieved, and the remainder of such Penalty be applied to the Purposes mentioned in the said Act, and in case of default of payment of such penalty, the party offending, and on whom the same shall be inflicted, shall be imprisoned in the Common Goal of Savannah, for a Term not exceeding Six Months, without Bail or Mainprize, any Thing in the said Act contained to the Contrary notwithstanding.

AND WHEREAS Pilots are often unnecessarily detained by Masters or Commanders of Vessels, by which other Parts of their Duty are much neglected,

Be

Regulating the Pilotage of Vessels.

BE IT THEREFORE ENACTED, by the Authority aforesaid, that if any Master or Commander of a Vessel, requiring any Pilot or Pilots to take charge of such Vessel, shall detain such Pilot or Pilots more than Twenty-four Hours after he or they shall have taken Charge thereof, such Master or Commander shall be obliged to pay, upon Complaint and Proof made to the Commissioners by any of the said Pilots, or any other Person, of such Detention as aforesaid, the Sum of Twenty Shillings for every Day he shall detain such Pilot or Pilots, and on Refusal of Payment, the same to be recovered by Warrant of Distress and Sale of the Offender's Goods, under the Hands and Seals of the said Commissioners, or any five of them, to be applied one half to the Pilot so detained, and the other half as in and by the Act aforesaid, the Penalties incurred by Pilots and Masters of Vessels are directed, and in Case of Default of Payment of such Penalty, the same may and shall be recovered from the Person or Persons who are Security for such Masters of Vessels in the Secretary's-Office.

AND WHEREAS many Vessels put into the Ports of this Province, which are bound to other Provinces, and are not entered in the Custom-House, the Masters or Commanders whereof refuse to pay the Pilots for the Duty done, or offered to be done, on Boards such Vessels, BE IT THEREFORE ENACTED, by the Authority aforesaid, That, upon Complaint of and Proof made by any Pilot or Pilots to the Officer Commanding any Fort or Battery that now is, or shall hereafter be erected in any

of

of the said Ports, that any Master or Commander of any Vessel, coming in as aforesaid, and not entering such Vessel in the Custom-House, refuses to pay him or them the Pilotage as established by the Act aforesaid, and to which he or they shall be justly Entitled, the said Officer shall, and he is hereby fully authorized to detain such Vessel, and not suffer the same to depart this Province untill such Pilot or Pilots are paid, or can and shall make due Complaint thereof to the Commissioners of Pilotage, and the Matter in Dispute be enquired into and decided by them, a Certificate of which Decision, under the hands of the said Commissioners, to be produced to such Officers, and, for the more effectually empowering the said Officers to carry this Act into Execution. BE IT FURTHER ENACTED, by the Authority aforesaid, That it shall and may be lawful for any Officer or Officers as aforesaid, if need be, to order Shot to be fired at the Ship or Vessel of any Master or Commander so refusing to pay the Pilotage as aforesaid, and such Master or Commander is hereby made liable to pay for every Shot after the first so fired, for the second Shot the Sum of Six Shillings and Eight Pence, and for every other Shot Thirteen Shillings and four Pence, to go to the replacing of the Powder and Ball expended, and the Surplus, if any, to be to the Commanding Officer of such Fort or Battery as a Reward for his Care in Discharging the Duties imposed on him by this Act.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That if any Pilot or Pilots belonging

longing to any Port in this Province shall meet at Sea with any Vessel or Vessels bound into any other Port within the same, such Pilot or Pilots shall, if thereunto required, take Charge of, and shall pilot the same into such Port, and shall be paid for such Service the Sum of Twenty Shillings Sterling Per Day for every such Pilot or Pilots shall be on Board such Vessel, exclusive of the Pilotage into such Port.—

AND BE IT ENACTED, by the Authority aforesaid, That if any Person or Persons authorized to carry this Act into Execution shall be sued or prosecuted for any Matter or Thing to be done in Pursuance thereof, it shall and may be lawful for such Person or Persons to plead the General Issue, and give this Act and the special Matter in Evidence.—

AND BE IT ENACTED, by the Authority aforesaid, That this Act, and every Matter and Thing herein contained, shall be and continue in Force for and during the Term of Two Years, and from thence to the End of the next Sessions of the General Assembly, and no longer.—

By Order of the upper House

JAMES HABERSHAM President

By Order of the Commons House of Assembly—

ALEX WYLLY Speaker

Council Chamber 6th March 1766

Assented to

JA: WRIGHT. State

(State Archives.)

AN ACT

To prevent Frauds and Deceits in selling Beef, Pork, Pitch, Tar, Turpentine and Firewood—

WHEREAS the preventing Frauds and Deceits in the packing of Beef and Pork, and in selling Pitch, Tar, Turpentine, and Firewood, will greatly increase the credit and repute of those Commodities of this Province, and also be for the particular Benefit and Emolument of the Purchasers or Exporters of the same, We therefore humbly pray your most sacred Majesty that it may be enacted, AND BE IT ENACTED, by his Excellency James Wright, Esquire, Captain General and Governor in chief of his Majesty's Province of Georgia, by and with the Advice and Consent of the honourable Council ond Commons House of Assembly of the said Province, in general assembly met, and by the authority of the same, that, from and after the first Day of February next, all and every Cask or Casks, in which any Beef or Pork shall be packed, and exposed to sale within this Province, shall be made of sound dry and well seasoned white Oak Timber, free from Sap, the Heads as well as Bodies of which Casks shall be made tight so as to hold Pickle, and the said Casks shall be proved before the same shall be packed with any Beef or Pork, and shall guage thirty Gallons—

And

To Prevent Frauds in Beef, Pork, Pitch, Tar, Turpentine and Firewood.

AND BE IT FURTHER ENACTED, by the authority aforesaid, that, from and after the said first day of February aforesaid, every Barrel of Beef or Pork, packed and sold, or exposed to sale in this Province, shall contain two hundred Pounds weight of wholesome well cured Meat in the same, after being ten Days salted and well packed with Salt and Pickle, and not more than one shank, one shin, and one half of the Neck, and no Head, in each Barrel of Beef, and not more than two Heads in each Barrel of Pork, and the same shall be weighed and inspected by some of the Packers and Inspectors herein after mentioned, who shall brand the same with his respective Brand—

AND BE IT FURTHER ENACTED, by the authority aforesaid, that, from and after the said first day of February aforesaid, no Merchant, Factor, Trader, or other Person, shall ship for exportation, on Board any Ship or Vessel whatever, any Beef or Pork, for a foreign Market, before the same be packed by some Packer or Inspector of the Port or Place where the same is intended to be shipt, and by the said Packer and Inspector branded, under Pain of such Person so shipping forfeiting the sum of twenty shillings sterling for every such Cask so shipped, to be recovered and applied as herein after directed—

AND BE IT FURTHER ENACTED, by the authority aforesaid, that, from and after the said first day of February aforesaid, every Barrel of Pitch, which shall be made and sold in this Province, shall

shall contain three hundred and twenty-one Pounds gross weight, and the Staves of the said Barrels not to exceed half an Inch in Thickness; every Barrel of Tar, made and sold as aforesaid, shall contain at least thirty-two Gallons, clear of Dirt, Dross, Chips, or Water; And every Barrel of Turpentine, so made and sold as aforesaid, shall weigh four hundred and sixty Pounds gross, clear of Dirt, Sand, or Water; And that no Merchant, Factor, Trader, or other Person whatever, shall ship, or put on Board any Ship or Vessel, for exportation from this Province, any Tar, Pitch, or Turpentine, before the same is marked by some Packer or Inspector, under pain of forfeiting, for every Barrel so shipped, the Sum of five Shillings sterling, to be recovered and applied as herein after directed—

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that if any Fraud or Abuse shall be suspected in any Barrel or Barrels of Pitch, which shall be brought to market or exposed to sale, the person who shall treat for the purchase of such Pitch shall be at Liberty to cut open as many Barrels of the same as he shall think proper, which shall be liable to be viewed, judged, and forfeited as herein after directed, and where any Pitch shall be condemned as fraudulent, by the Person or Persons impowered to view and judge the same, all such condemned Pitch shall be forfeited and sold by the Treasurer, and applied to such Uses as is herein after directed, and the Owner or Person exposing such Pitch to sale shall also forfeit the Sum of Five shillings

lings *sterling* for each Barrel so fraudulently brought to Market and exposed to sale, and the same may be recovered against him as is provided by the Act for the more easy and speedy recovery of small Debts and Damages, and shall be applied to Uses as herein after directed; PROVIDED always, that where any Pitch shall be ordered to be cut open as aforesaid, without the consent of the Owner or Person offering or exposing the same to sale, the same shall be done at the risque of the Person who shall cause such Pitch to be so cut open, (that is to say) if such Pitch shall not be condemned as fraudulent, by the Person or Persons impowered to view and judge the same, that then the Person who caused the said Pitch to be so cut open and examined shall take to himself every such Barrel so cut open, and which shall not be condemned as aforesaid, and shall pay to the owner or Person offering the same to sale the current Sum or Price which good Pitch shall then bear at that Port or Place, any thing herein contained to the contrary notwithstanding—

AND BE IT FURTHER ENACTED, by the authority aforesaid, that such Persons as shall be appointed Packers or Inspectors by Ordinance or otherwise of the Governor, Council, and Commons House of Assembly, in general Assembly met, ... shall be and they are hereby directed, before they enter into the Execution of their Offices, severally and respectively to take the following Oath before some Justice of the Peace for the Parish where such Port shall be, who shall grant such Packer and Inspector a Certificate thereof;— I

To Prevent Frauds in Beef, Pork, Pitch, Tar, Turpentine and Firewood.

I A. B. do solemnly swear, that I will faithfully and impartially execute the Business and Duty of a Packer and Inspector in the Town and Port of .... to the best of my Skill and Judgment, without favour or Prejudice, and without any delay, agreeable to an Act of the general Assembly of this Province, Intituled, "an Act to prevent Frauds and Deceits in selling Beef, Pork, Pitch, Tar, Turpentine, and Firewood; SO HELP ME GOD.—

AND BE IT FURTHER ENACTED, by the authority aforesaid, that the Packers and Inspectors so to be appointed shall receive for their Trouble, from the seller or Owner of any Beef, Pork, Pitch, Tar, or Turpentine, the sum of sixpence for every Barrel of Beef or Pork, and the Sum of twopence for every Barrel of Pitch, Tar, or Turpentine, which they shall view, inspect, mark, or brand, as aforesaid; And the said Packers and Inspectors are hereby severally directed to have and make use of a separate Brand with the initial Letters of the name of such Packer and Inspector, and, in case of refusal or neglect to do and perform any of the duties by this Act required to be done and performed by such Packer and Inspector, he or they so refusing or neglecting, after he or they shall have accepted such Office, shall, for every such Offence, forfeit the Sum of Ten Shillings—

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that if any Packer or Inspector shall mark or brand any Beef, Pork, Pitch, Tar, or Turpentine

Turpentine, not weighing or containing the Weights or Measures directed by this Act, such Packer or Inspector shall, for every Barrel so marked or branded, forfeit the Sum of forty Shillings Sterling, to be recovered and applied as herein after directed—

AND WHEREAS many Frauds are committed in the sale of Firewood

BE IT FURTHER ENACTED, by the authority aforesaid, that, from and after the first day of February aforesaid, every Cord of firewood which shall be sold in this Province shall measure eight Feet in length, four Feet in heighth, and four Feet in Breadth, And in case any Person or Persons whatever, having any firewood sold and delivered them by the Cord as aforesaid, shall suspect a deficiency therein every such Person or Persons shall and may apply to any of the Packers and Inspectors to be appointed as aforesaid to cord and measure the same, and in case any deficiency shall appear, the Person or Persons selling the same shall, for every Cord that shall be so deficient, forfeit the Sum of Ten Shillings, And the Packer and Inspector measuring the same shall be paid the Sum of six-pence for every Cord so measured by the seller thereof, in case of deficiency, and in case no deficiency shall appear, then to be paid the said Sum of sixpence by the Person or Persons applying—

AND BE IT FURTHER ENACTED, by the authority aforesaid, that all the Fines and Forfeitures by this Act inflicted shall be recovered, upon Proof of the Offence, before any Justice of the Peace

Peace for the Parish where the same shall be committed, by Warrant under the hand and seal of such Justice, directed to any Constable of the said Parish, and be to the Informer—

AND BE IT FURTHER ENACTED, by the authority aforesaid, that this Act shall continue and be in force for and during the Term of three Years, and from thence to the end of the next Session of the general Assembly, and no longer—

By Order of the upper House

JAMES HABERSHAM President

By Order of The Commons House of Assembly

ALEX WYLLY Speaker

Council Chamber 6th March 1766

Assented to

JA: WRIGHT.

(State Archives.)

An act to punish seamen or mariners, neglecting or deserting their duty on board their respective ships or vessels; and for preventing seamen or mariners from being harbored or running in debt.

Preamble.

1. WHEREAS masters and commanders of vessels trading to this province are often greatly distressed

distressed by the neglect or desertion of their seamen, which is in general occasioned by such seamen being harbored and entertained by and running in debt with the keepers of taverns and tippling houses, and ill disposed persons, to the great detriment and hindrance of trade, for the prevention of which evil, *Be it enacted,* That from and immediately after the passing of this act, if any seaman or mariner having entered or shipped himself on board any ship or vessel within this province, or which shall come to the same, and having signed an agreement or contract with the master or commander thereof to proceed upon any voyage therein mentioned, shall absent himself from such ship or vessel for the space of twenty four hours, without leave had and obtained from the said master or commander, or other chief officer having command of such ship or vessel, or shall refuse or neglect to perform his duty on board the same, or refuse to proceed on the voyage mentioned in such agreement or contract signed as aforesaid, it shall and may be lawful for any justice or justices of the peace, within their respective jurisdictions, upon application being made to him or them by such master or commander, to issue his or their warrant or warrants, to apprehend such seaman or mariner, and upon proof of such absence without leave had and obtained, or of such neglect or refusal as aforesaid, to commit such seaman or mariner to the jail or workhouse, for any time not exceeding thirty days, any law usage or custom to the contrary notwithstanding.

Justices may apprehend and commit seamen under contract.

2. *And be it further enacted by the authority of* the

Charges to be deducted and paid out of the seaman's wages.

the same. That the charge of apprehending, committing and maintaining such seaman or mariner, during his confinement as aforesaid, shall be paid by the complainant, which charge he is hereby authorized to deduct out of the wages due or to be due to such seaman or mariner.

Persons trusting seamen under a contract, above five shillings shall lose the debt.

3. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever after the passage of this act shall give credit to or trust any seaman or mariner belonging to any ship or vessel within this province, having signed an agreement or contract to proceed therein as aforesaid, for any sum exceeding five shillings except by leave of the master or commander of such ship or vessel, he, she or they so giving credit to or trusting such seaman or mariner as aforesaid, shall, for every such offence lose the monies or goods so credited or trusted.

Persons harboring or entertaining them without leave, shall forfeit forty shillings per day.

4. *And be it enacted by the authority aforesaid,* That if any person or persons whatever, after the passing of this act shall willingly and knowingly entertain retain, harbor or keep, or shall directly or indirectly suffer to be entertained, retained, harbored or kept any seaman or mariner belonging to any ship or vessel and having signed any agreement or contract as aforesaid, in his, her or their house without the leave, privity or consent of the master or commander of such ship or vessel, he, she or they, so offending, shall forfeit the sum of forty shillings sterling for every twenty-four hours such seaman

or

or mariner is harbored, entertained, retained, or kept in his, her or their house as aforesaid, and such fine or forfeiture shall be recovered by distress and sale of the offender's goods by warrant under the hand and seal of any justice of the peace of the parish where such offence shall be committed, which penalty shall be to his majesty, for the use of the poor of the said parish.

How recovered and applied.

5. *And be it further enacted by the authority aforesaid,* That all and every keeper or keepers of taverns, or tippling houses, or any other person or persons whatever, who from and after the passing of this act, shall sell any wine, punch, beer, ale, cider, or any spirituous liquors whatever, to any seaman or mariner belonging to any ship or vessel, and having signed any agreement or contract as aforesaid, to the amount of more than one shilling and six pence in any one day, or shall entertain, or suffer any seaman or mariner as aforesaid to drink or tipple in his, her or their house, or furnish such seaman or mariner with any liquor as aforesaid after the hours of nine of the clock at night, unless with the knowledge or by the leave and consent of the master or commander of the ship or vessel to which such seaman or mariner shall belong, such keeper of tavern or tippling house, or such person or persons so offending shall, upon proof of such offence, forfeit the sum of twenty shillings sterling, to be recovered and applied as in this act is before directed.

Tavern keepers furnishing seamen more than one shilling and six pence worth per day, or entertain them after nine o'clock at night without leave, forfeit twenty shillings

6. *And be it enacted by the authority aforesaid,* That from and after the passing of this act, any and every

Masters shall give a certificate to seamen who have performed their contract, under penalty of five pounds.

every seaman or mariner, whose agreement or contract entered into with any master or commander of any ship or vessel within this province, for the performance of any voyage therein specified, shall be fullfilled and determined, shall and may demand of and from the said master or commander a certificate thereof, and of his discharge from such ship or vessel, which certificate such master or commander is hereby required to give, under the penalty of five pounds sterling, to be recovered by warrant of distress, and sale of the offender's goods under the hands and seals of any two justices of the peace, for the parish where such offence was committed and be to his majesty, and applied one half to the informer, and the other half to the poor of the said parish and upon refusal of said master or commander to give such certificate without just cause, any two justices of the peace upon due application and proof thereof, are hereby empowered to give such certificate, which shall be of equal force, as if given by such master or commander; and such justices shall receive for every such certificate so given by them as aforesaid the sum of one shilling sterling, to be paid by such master or commander refusing as aforesaid.

How recovered and applied.

Two justices may grant the same.

One shilling fee.

Commanders hiring seamen with out certificates forfeit ten pounds.

7. *And be it further enacted,* that no master or commander of any ship or vessel within this province, shall hire, receive, entertain or ship any seaman or mariner belonging to, and pretending to be discharged from any other ship or vessel, unless such seaman or mariner shall have a certificate of his discharge as aforesaid, under the penalty of ten pounds sterling

sterling, to be recovered and applied as the penalty in this act inflicted upon masters or commanders refusing to give such certificate.

Ferrymen transporting them without such certificate to forfeit five pounds.

8. *And be it enacted by the authority aforesaid,* That if any person or persons keeping or attending any ferry within this province, shall willingly or wilfully transport, or suffer to be transported over such ferry, any fugitive seaman or mariner not having a certificate of discharge as directed by this act, shall upon conviction thereof before any one of his majesty's justices of the peace for the parish, where such offence was committed, forfeit five pounds sterling, to be recovered by warrant of distress, and sale of the offender's goods, and be to his majesty, to and for the use of any person or persons informing of and suing for the same.

How recovered and applied.

Continuation.

9. *And be it enacted,* That this act shall be and continue in force for and during the term of three years, and from thence to the end of the next session of the General Assembly, and no longer.*

By order of the Upper House.

JAMES HABERSHAM, *President.*

By order of the Commons House of Assembly.

ALEXANDER WYLLY, *Speaker.*

Council Chamber, March 6, 1766.

JAMES WRIGHT.

*Revised and continued by act of 1783, sect. 1.

State

(State Archives.)

An act for the relief of debtors who may be confined in jail, and are unable to support themselves during such their confinement.

Preamble.

WHEREAS it often happens that debtors are confined in jail, and are through inability to support themselves during their confinement, reduced to great distress and want, and are also often confined, as well by the obstinacy of their creditors, as by their incapacity to pay their debts.

1. *Be it enacted,* That immediately after the passing of this act, any prisoner or prisoners charged in execution or imprisoned for any sum or sums of money, and being unable to support him, her or themselves, shall and may petition the chief justice, or justices of the general court of pleas of this province, setting forth their inability to maintain themselves during their confinement, and upon such petition the said chief justice or justices may, and are hereby required by order or rule of the court, to cause the prisoner to be brought up, and the several creditors at whose suit he, she, or they are charged or imprisoned, as aforesaid, to be summoned to appear personally, or by their attorney in court, at a day to be appointed for that purpose, and upon the day of such appearance, if any of the creditors summoned refuse or neglect to appear, upon affidavit of the due service of such rule or order, the court shall in a summary way examine into the matter of such petition, and upon such examination the court may and are

are hereby required to administer or tender to the prisoner an oath to the effect following, and in case the person taking such oath, shall have any real or personal estate, debts, credits, or effects, such person shall deliver to the court, before the tender of such oath, an account thereof "I *A. B.* do solemnly swear, in the presence of Almighty God, that I am not possessed of any real or personal estate, debts, credits, or effects whatsoever, (my wearing apparel, bedding, for self and family, and the working tools or implements of my trade and calling excepted) wherewith to maintain or support myself during my imprisonment, (other than contained in the schedule now delivered) and that I have not directly or indirectly, since my imprisonment, or before, sold, leased, assigned, or otherways disposed of or made over, in trust for myself or otherwise, any part of my lands, estates, goods, stock, money, debts, or other real or personal estate, whereby to have or expect any benefit or profit to myself, or my heirs. So help me God."—And in case the prisoner shall in court take the said oath, and the creditor or creditors so summoned and being in court as aforesaid, shall notwithstanding, insist upon his or her being detained in prison, such creditor or creditors shall agree by writing, under his, her or their hands, to pay and allow a weekly sum not exceeding seven shillings per week, unto the said prisoner, to be paid weekly, so long as he or she shall continue in prison, at his, her, or their suit, and on refusal of entering into such agreement, or on failure of payment of such weekly sum, the said prisoner shall forthwith and

Their oath.

Creditor may still detain the prisoner, by paying a weekly allowance of seven shillings.

and upon application to the court, be discharged, by order of the court, and such order shall be a sufficient warrant to the provost marshal, jailor, or keeper of such prisoner, to discharge the said prisoner if detained for the cause mentioned in his, or her petition, and no other; and he is hereby required to discharge and set him or her at liberty forthwith, the prisoner paying his or her fees, nor shall the provost marshal or jailor be liable to any action of escape, or other suit, or information upon that account; *Provided,* That this act shall not extend or be construed to extend, to entitle to such maintenance as aforesaid, or to discharge any debtor or debtors whose trade or occupation may or can be carried on, and can find sufficient employment within the limits of the jail in which he she or they may be confined, by means whereof a sufficient subsistance may or can be earned by him her or them.

This act not to affect persons capable of laboring in prison.

2. *Provided also, and be it further enacted,* That if any such person who shall take such oath as aforesaid, shall, upon any endictment for perjury in any matter or particular contained in the said oath, be convicted by his or her own confession, or by verdict of twelve men, as he or she may be by force of this act, the person so convicted shall stand in the pillory for the space of two hours, and shall never after have the benefit of this act.

Persons convicted of perjury under this act to stand in the pillory and excluded from the benefit of this law.

3. *And be it further enacted,* That this act shall be and continue in force for one year, and from

Continuance

thence

thence to the end of the next session of the general assembly, and no longer.

JAMES HABERSHAM, *President.*

ALEXANDER WYLLY, *Speaker.*

JAMES WRIGHT.

March 6, 1766.

(State Archives.)

An act to enable the commissioners appointed by an act of the General Assembly of this province, entitled "An act for regulating the town of Savannah, and for ascertaining the common thereunto belonging, to alien and convey to the honorable William Simpson, esqr. his heirs, and assigns forever, a certain part of the said common in exchange for part of a lot of land adjoining the same.

WHEREAS in and by an act of the fourth General Assembly of this province, entitled, "An act for regulating the town of Savannah, and for ascertaining the common thereunto belonging," the said common is ascertained and declared to be the common property of the lot holders of said town, and not to be aliened or granted away for any purpose whatever, otherwise than by act of the General Assembly. *And whereas,* Henry Ellis, esq. late governor

Preamble.

nor of this province, had prior to the passing of the said act, that is to say, on or about the seventh day of February in the year of our Lord one thousand seven hundred and fifty-eight, obtained his late majesty's grant, under the great seal of the said province, to him, his heirs and assigns, forever, for a lot of land, situate part on the bay, and part on the common of the said town of Savannah, containing one hundred and twenty feet in front, and four hundred and ninety feet in depth west, and four hundred and sixty-five feet in depth east. *And whereas* the same is since by purchase from the said Henry Ellis, esq. become vested in the honorable William Simpson, esq. *And whereas* part of the said lot, may hereafter be of general benefit, for the conveniency of a street or passage from the bay of the said town to the hamlets of Yamacraw and Ewensburgh, and would now, if stopped up or built upon, be of great detriment to the public, and the said William Simpson, being willing to exchange the part of the said lot convenient for the above intended street or passage for an adequate proportion of land on the common to the westward of, and adjoining his said lot.

Commissioners empowered to exchange part of the town-common for other lands adjoining.

I. *Be it therefore enacted,* That immediately after the passing of this act, it shall and may be lawful to, and for the commissioners named and appointed in and by the said recited act of the General Assembly, by any fit deed or conveyance in the law, by them, or any three of them, to be made and executed, to grant, alien, and convey unto the said William Simpson, esq. and his heirs and assigns, forever, a part

part of the said common of Savannah to adjoin westward to the lot of the said William Simpson, and to contain thirty feet in width, and three hundred and six feet in depth, and particularly described by the letters, F, G, H, I, in the plan hereunto annexed, he the said William Simpson, first granting and conveying unto the said commissioners, a part of his lot as aforesaid, containing forty-seven feet in width, and one hundred and twenty feet in depth, and particularly described in the said plan hereunto annexed by the letters A, C, E, F, to hold the same unto the said commissioners, and their successors commissioners forever, as part and parcel of the common of the said town of Savannah, for the use of the lot holders thereof.

2. *And be it further enacted by the authority aforesaid,* That from and after the alienation, conveyance and exchange respectively made of the said part of the said common, for part of the lot of the said William Simpson, as herein before mentioned, the said part of the said common, containing thirty feet in width, and three hundred and six feet in depth, and described in the plan aforesaid by the letters F, G, H, I, shall and is hereby declared to be severed from the said common, and become and continue the absolute property of the said William Simpson, to and for the use of him, his heirs and assigns forever; and that the part of the lot of the said William Simpson, containing forty-seven feet in width, and one hundred and twenty feet in depth, as before mentioned and described, shall from thenceforth

The said lot to be severed from the common, and that obtained in lieu thereof to be part of the common.

forth be and continue to be part and parcel of the said common of the town of Savannah, to all intents, constructions and purposes whatever, and as any other part of the said common is or may be, according to the true intent and meaning of this act; any thing in the act herein before recited, to the contrary notwithstanding.

JAMES HABERSHAM, *Presient.*

ALEXANDER WYLLY, *Speaker*

JAMES WRIGHT.

March 6, 1766.

(State Archives.)

An act to empower the commissioners therein named, to purchase from Josiah Tatnall, esq. his executors or administrators, one hundred and four acres of land, for the purpose of erecting a lazaretto upon Tybee Island.

Preamble.

1. WHEREAS the frequent importation of cargoes of slaves into this province, renders it necessary to have some buildings erected in a convenient and safe place where such Slaves can be landed, and in case of distempers being among them, be properly lodged and attended. *And whereas* the general assembly of this province have thought the westernmost point of Tybee Island, and within the creek

creek, a proper place for that purpose, which land is the property of Josiah Tatnall, esq. *Be it therefore enacted,* That immediately from and after the passing of this act, it shall and may be lawful for commissioners hereinafter named, or any three of them, to accept and take from Josiah Tatnall, esq. his executors or administrators, a fit deed of conveyance in the law, by him or them to be duly executed, whereby to vest in them the said commissioners, and the survivors or survivor of them, and the heirs of such survivor, in trust to and for the use of the public of this province forever, one hundred and four acres of land, situate and being upon the island of Tybee, in the said province, and being the westernmost point of the said island, and for the purpose of erecting a lazaretto, and other buildings; and of which premises the said commissioners, and the survivors of them, and the heirs of such survivor, shall stand seized for the use of the public of this province as aforesaid, and upon receipt of such deed or conveyance, to pay to the said Josiah Tatnall, his executors, administrators or assigns, the sum of seventy poundss, lawful money of the said province, for the purchase thereof, which sum of seventy pounds the treasurer is hereby directed and empowered to pay to the said commissioners, or any three of them, out of the produce of the tax for the present year.

One hundred & four acres of land on Tybee Island, to be purchased, for the erection of a lazaretto, &c

Vested in commissioners for public uses.

2. *And be it further enacted,* That the honorable Noble Jones, Grey Elliot, and Alexander Wyly, esqrs. and Joseph Gibbons and John Smith, esqrs. be, and they are hereby nominated and appointed commissioners

missioners for executing and putting in force this act, according to the true intent and meaning thereof.

ALEXANDER WYLY, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

March 26, 1767.

(State Archives.)

AN ACT

To amend an Act to impower the several Commissioners or Surveyors thereafter named to lay out and make such public Roads in the Province of Georgia as are therein after mentioned and directed and to continue to work upon clear repair and improve the several Roads already laid out and also the Rivers and Creeks within their several and respective Divisions so far as the same respects the male white Inhabitants within the Town Division therein ascertained—

WHEREAS the obliging the male white Inhabitants within the Town Division to work within the Limits of the Town and Common of Savannah has been found inconvenient and in Lieu thereof an equitable Assessment has been proposed We therefore pray your most sacred Majesty that it may be Enacted

To Continue to Work Upon the Several Roads Already Laid Out.

Enacted AND BE IT ENACTED by his Excellency James Wright Esquire Captain General and Governour in chief of the Province of Georgia by and with the Advice and Consent of the honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same that from and after the passing of this Act the several male white Inhabitants within the Limits of the Town and Common of Savannah the Hamlets of Yamacraw Ewensburgh and the Trustees Gardens and the Settlements to the Eastward of Musgrove's Creek shall be and they are hereby declared to be exempted from working within the Limits of the Town and Common of Savannah aforesaid or upon the several Roads Creeks and Rivers within the same any thing in the Act to impower the several Commissioners there after named to lay out and make such public Roads in the Province of Georgia as are therein after mentioned and directed and to continue to work upon clear repair and improve the several Roads already laid out and also the Rivers and Creeks within their several and respective Divisions to the contrary contained notwithstanding—

AND BE IT FURTHER ENACTED that in Lieu of the Work to be performed by the said Male white Inhabitants within the said Division and from which they are exempted as aforesaid it shall and may be lawful to and for the Commissioners or Surveyors in and by the above recited Act appointed or to be appointed for the said Division to raise and collect

lect from all and every the male white Inhabitants who by the said Act were liable to work within the Limits of the Town and Common of Savannah aforesaid or upon the Roads Creeks and Rivers within the same the yearly Sum of two Shillings each to be applied towards clearing the said Town and Common and for keeping in repair the several Public Wells that are sunk and for sinking such others as may appear necessary—

AND BE IT FURTHER ENACTED that in Case any Person or Persons shall refuse or neglect to pay the Sum of two Shillings aforesaid when thereunto required by the said Commissioners or Surveyors or any Person or Persons acting under them or by their Authority such Person or Persons so neglecting or refusing shall forfeit and pay the Sum of Four Shillings to be recovered as the several Fines and Forfeitures are in the said Act directed to be and shall be applied to the Purposes aforesaid—

AND BE IT FURTHER ENACTED that this Act shall continue and be in force during the Term of two Years and from thence to the end of the next Session of the general Assembly and no longer—

By Order of the upper House—

JAMES HABERSHAM President

By Order of the Commons House of Assembly—

ALEX WYLLY Speaker

Council Chamber

26th March 1767.

Assented to

JA: WRIGHT.

State

(State Archives.)

AN ORDINANCE

for appointing Packers and Inspectors for the Ports of Savannah and Sunbury And also Cullers and Inspectors of Lumber for the said Ports—

WHEREAS the Ordinance passed by the general Assembly of this Province appointing Packers and Inspectors for the Ports of Savannah and Sunbury in pursuance of an Act of the said General Assembly Intitled "An Act for preventing Frauds "and Deceits in selling Beef, Pork, Pitch, Tar, Tur- "pentine, and Firewood" is expired AND WHEREAS in and by an Act passed in the present Sessions of the general Assembly Intitled "An Act to regulate the making of Cypress, Oak, and "Pine Lumber Staves and Shingles and to ascer- "tain the Quality thereof" It is among other Things, Enacted that the several Cullers and Inspectors for this Province shall be nominated and appointed by Ordinance of the Governour Council and Assembly WE therefore pray your most sacred Majesty that it may be Ordained AND BE IT ORDAINED by his Excellency James Wright Esquire Captain General and Governour in chief of his Majesty's Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same That Thomas Lee, Joseph Pruniere, James

James Dixsie, James Harriott and Joseph Harris shall be, and they are hereby appointed Packers and Inspectors for the Port of Savannah; and that Peter Tondee, John Street, Joseph Dunlap, James Harriott, James Dixsie and Joseph Harris shall be and they are hereby appointed Cullers and Inspectors of Lumber for the same. And that Hugh Clarke shall be and he is hereby appointed Packer and Inspector for the Port of Sunbury and that David Jervey and John Cookson shall be and they are hereby appointed Cullers and Inspectors of Lumber for the said Port

AND WHEREAS many Vessels are loaded in the Harbour of S.t Simon's in this Province which are entered and cleared in the Port of Sunbury BE IT THEREFORE ORDAINED by the Authority aforesaid that John Calwell shall be and he is hereby appointed an additional Packer and Inspector And an additional Culler and Inspector of Lumber for the said Port to do and perform their respective Duties at the Town of Frederica—

AND BE IT FURTHER ORDAINED by the Authority aforesaid that in case of refusal to Act, Death, or Departure from the Province of any of the Packers and Inspectors or Cullers and Inspectors of Lumber aforesaid it shall and may be lawful to and for the Governour or Commander in chief for the Time being by and with the Advice and Consent of the Honourable Council to nominate and appoint other Packers and Inspectors and Cullers and Inspectors of Lumber in the Room of any

any so refusing to Act, dying, or departing the Province—

AND BE IT FURTHER ORDAINED by the Authority aforesaid that this Ordinance shall be in force until the sixth Day of March in the Year of our Lord One thousand seven hundred and sixty nine and from thence until the end of the next Session of the general Assembly and no longer—

By Order of the upper House—

JAMES HABERSHAM President

By Order of the Commons House of Assembly—

ALEX WYLLY Speaker

Council Chamber
26.th March 1767

Assented to

JA: WRIGHT.

(State Archives.)

AN ACT

To amend and continue an Act for regulating a Work House for the Custody and Punishment of Negroes—

Whereas

To Amend an Act for Regulating a Work House for Negroes.

WHEREAS in and by the fifth Clause of the Act of the general Assembly of this Province Intitled "An Act for regulating a Work House for "the Custody and Punishment of Negroes" It is Enacted that all and every Person and Persons within the said Province taking apprehending and securing any runaway or fugitive Slave or Slaves shall and they are thereby directed and required instead of delivering such fugitive Slave or Slaves to the Constables in manner as directed by an Act of the general Assembly of this Province now expired Intitled "An Act for the better ordering and governing of Negroes and other Slaves" to send such Slave or Slaves immediately to the Master or other Person having the Care or Management of such Slaves if the Person taking up such Slaves does know or can without difficulty be informed to whom such Slaves do belong—

AND WHEREAS by an Act of the present general Assembly of this Province Intitled "An Act "for the better ordering and governing Negroes and "other Slaves and to prevent the inveigling or car-"rying away Slaves from their Masters or Employers" It is Enacted that all fugitive Slaves so taken up shall be by the Person or Persons taking them delivered at their Option either to the Owner of such Slaves or to any Constable of the Parish AND WHEREAS under Colour of the said fifth Clause of the Act for regulating a Work House for the Custody and Punishment of Negroes Constables when thereunto required by Virtue of the last recited Act of the general Assembly for the better

better ordering and governing "Negroes and other "Slaves and to prevent the inveigling or carrying "away Slaves from their Masters or Employers" have refused to take into their Charge and Custody such fugitive Slaves WE therefore pray your most sacred Majesty that it may be Enacted AND BE IT ENACTED by his Excellency James Wright Esquire Captain General and Governour in chief of his Majesty's Province of Georgia by and with the Advice and Consent of the honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same that immediately from and after the passing of this Act all and every fugitive Slave or Slaves taken up and secured within this Province shall be by the Person or Persons so taking them up delivered to the Owner or Person having such Slave or Slaves in Charge or to the Warden of the Work House or otherwise be delivered to the Constable of any Parish agreeable to the Direction of the thirtieth Clause of the Act for the better ordering and governing Negroes and other Slaves and to prevent the inveigling or carrying away Slaves from their Masters or Employers—

AND WHEREAS the said Act for regulating a Work House for the Custody and Punishment of Negroes is near expiring BE IT ENACTED by the Authority aforesaid that the said Act and every Part and Clause thereof except such part of the fifth Clause as is in and by this Act altered and amended shall further continue and be in force for

and

and during the space of three Years from and after the passing hereof and from thence to the end of the next Session of the general Assembly and no longer.

By Order of the upper House-

JAMES HABERSHAM President

By Order of the Commons House of Assembly

ALEX WYLLY Speaker

Council Chamber

26th March 1767

Assented to

JA: WRIGHT.

(State Archives.)

An act for limitation of actions, and for avoiding of suits in law.

Writs of formedon, &c. limited to seven years.

For quieting of mens' estates, and for avoiding of suits, *Be it enacted,* That all writs of formedon in defender, formedon in remainder, and formedon in revertir, of any lands, tenements, or hereditaments, or any other writ, suit or action whatsoever, at any time hereafter to be sued or brought, by occasion or means of any title or cause heretofore accrued, happened or fallen, or which may hereafter descend

descend, happen or fall, shall be sued and taken within seven years next after the passing of this act, or after the title and cause of action shall or may descend or accrue to the same, and at no time after the said seven years; and that no person or persons that now hath or have, or which hereafter may have, any right or title of entry into any lands, tenements or hereditaments, shall at any time hereafter make any entry, but within seven years next after the passing of this act, or after his or their right or title shall or may descent or accrue to the same; and in default thereof, such person so not entering, and their heirs, shall be utterly excluded and disabled from such entry after to be made: *Provided nevertheless,* That if any person or persons that is or shall be be entitled to such writ or writs, or that hath or shall have such right or title of entry, be, or shall be, at the time of such right or title first descended, accrued, come or fallen, within the age of one and twenty years, feme-coverts, *non compos mentis*, imprisoned, or beyond seas, that then such person and persons, and his and their heir and heirs, shall and may, notwithstanding the said seven years are expired, bring his, her or their action, or make his, her or their entry, as he, she or they might have done before this act, so as such person and persons, or his, her or their heir and heirs, shall, within three years next after his, her or their full age, discoverture coming of sound mind, enlargement out of prison, or returning from beyond seas, take benefit of and sue for the same, and at no time after the said three years. Proviso.

2.

Quiet possession for twenty years a good title.

2. And for the better and more perfect quieting of mens' possessions and estates, and avoiding of suits, *Be it further enacted,* That all and every person and persons whatsoever, now in possession of any lots, lands, tenements or hereditaments whatsoever, within this province, derived from any grant, allotment or other power or authority whatsoever, by, from or under the late trustees for establishing this colony, or their president and assistants, or from any other person or persons whatsoever under their authority, or by or from any grant from his late majesty (of blessed memory), or from his present majesty, or by or under any last will and testament, purchase or purchases, whether by deed of gift, bill of sale or other conveyance whatsoever, for lawful or valuable consideration, and where the person or persons now in possession of the said lands, tenements or hereditaments, do possess, hold and claim the same, as of his, her or their own proper right in fee simple, and the person or persons so in possession, or the person or persons under whom they claim, have severally or successively been quietly possessed of the same under any of the titles, ways or means aforesaid, and without lawful interruption by suit of action at law actually commenced, enjoyed the same for the space of twenty years before the passing of this act, that then such person and persons as so in possession as aforesaid, shall have good right and title to the same, and shall have, hold and enjoy the said lands, tenements and hereditaments, unto him, her or them, his, her or their heirs or assigns for ever in fee simple

ple, against all and every other person and persons whatsoever, any thing herein before contained to the contrary notwithstanding.

3. *And be it further enacted, by the authority aforesaid,* That not only the person or persons who are or shall be hereafter barred, by not suing or prosecuting his or their claims to any lands, tenements or hereditaments in this province within the time limited by this act, but also all manner of persons whatsoever, that shall at any time claim under such person or persons who have lost or may hereafter lose their right, by neglecting to sue and prosecute his or their claim as aforesaid, shall be in like manner barred by this act as his, her or their ancestor or ancestors, or those under whom they claim, were or would have hereby been, and that this act, and such clause or clauses herein as relate to the matters aforesaid may be given in evidence to any jury upon trial of any claim, matter or right to any lands or tenements in question between party and party, and that the chief justice and judges upon all such trials shall allow the same to be given in evidence, so far as the same concerns the said matter in difference.

Under claimants barred in like manner.

4. And to prevent any disputes how claims are to be made to lands, and what claims shall be allowed to be good and effectual in this province, and that the possessors of lands may know how and in what manner other persons having or laying claim to any lands or tenements in their possession must claim the same, and also that persons having right or title

Claims to lands to be by suit only.

to

to lands or tenements possessed by others may the better know how to claim or demand their right in such case, *Be it enacted,* That all and every person and persons whatsoever, making claim to any lands or tenements in this province, in order to make such claim effectual, shall and are to make the same by action at law, duly entered in the general court of pleas in this province, and that the chief justice and judges of the said court do allow of no claim to any lands or tenements, for or by any person or persons, in any suit or suits that may be brought, sued or prosecuted in the said court, other than what is or has been made by action or suit on record as aforesaid, any law, custom, usage or practice to the contrary notwithstanding.

Limitation of personal actions.

5. *And be it further enacted,* That all actions of trespass, *quare clausum fregit,* all actions of trespass, detinue, actions of trover, and replevin for taking away goods and cattle, all actions upon account and upon the case, (other than such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants, all actions of debt grounded upon any lending or contract without specialty, all actions of debt for arrearages of rent) and all actions of assault, menace, and battery, wounding and imprisonment, or any of them, which shall be sued or brought at any time after the passing of this act, shall be commenced and sued within the time and limitation herein after expressed, and not afterwards, that is to say, the said actions upon the case (other than for slander) and the said actions for account, and the said actions for

for trespass, debt, detinue, and replevin for goods and cattle, and the said actions of trespass, *quare clausum fregit*, within three years next after the passing of this act, or within four years next after the cause of such actions or suits and not after; and the said actions of trespass, assault, battery, wounding, imprisonment, or any of them, within one year after passing this act, or within two years next after the cause of such action or suit, and not after; and the said actions upon the case for words, within six months after passing of this act, or within six months next after the words spoken, and not after.

In case of reversal of judgment, &c. party renew his suit within one year.

6. *And nevertheless be it enacted*, That if in any of the said actions or suits, judgment shall be given for the plaintiff, and the same be reversed by error, or a verdict pass for the plaintiff, and upon matter alledged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his plaint, writ or any the said actions shall be brought by original, and the defendants therefore outlawed, and shall after revise the outlawry, that in all such cases the party plaintiff, his heirs, executors, or administrators, as the case shall require, may commence a new action or suit from time to time, within a year after such judgment revised, or such judgment given against the plaintiff, or outlawry reversed, and not after.

In trespass disclaimer and tender of amends when a bar to actions.

7. *And be it further enacted by the authority aforesaid*, That in all actions of trespass, *quare clausum fregit* hereafter brought, wherein the defendants

fendants shall disclaim in his or their plea, to make any title or claim to the land in which the trespass is by the declaration supposed to be done, and the trespass be by negligence, or involuntary, the defendant or defendants shall be admitted to plead a disclaimer, and that the trespass was by negligence or involuntary, and a tender or offer of sufficient amends for such trespass before the action brought, whereupon, or upon some of them, the plaintiff or plaintiffs shall be enforced to join issue, and if the said issue be found for the defendant or defendants, or the plaintiff or plaintiffs shall be non-suited, the plaintiff or plaintiffs shall be clearly barred from the said actions, and all other suit concerning the same.

In slander, damages under forty shillings no more costs than damages.

8. *And be it further enacted,* That in all actions upon the case for slanderous words, to be sued or prosecuted by any person or persons in the general court in this province, or in any other court having power to hold plea of the same, after the passing of this act, if the jury upon the trial of the issue in such action, or the jury that shall enquire, of the damages, do find or assess the damage under forty shillings, then the plaintiff or plaintiffs in such action shall have and recover only so much costs as the damages so given or assessed amount unto, without any further increase of the same, any law, statute, custom, or usage to the contrary in any wise notwithstanding.

Exceptions to the general limitation.

9. *Provided nevertheless, and be it further enacted,* That if any person or persons, that is or shall be

be entitled to any such action of trespass, detinue, action of trover, replevin actions, actions of accounts, actions of debt, actions of trespass for assault, menace, battery, wounding, or imprisonment, actions upon the case for words, be or shall be, at the time of any such cause of action given or accrued, fallen or come within the age of twenty-one years, feme-covert, *non compos mentis,* imprisoned or beyond seas, that then such person or persons shall be at liberty to bring the same actions, so as they take the same within such times as before is limited, after their coming to, or being of full age, discovert of sane memory, at large, or returned from beyond the seas as by other persons having no such impediment, should be done.

Limitation for the recovery of fines and forfeitures not specifically provided for.

10. *And be it further enacted,* That in all and every case where any penalty, fine, or forfeiture, whatsoever, hath been, or shall hereafter be inflicted or imposed by any act or acts of the General Assembly of this province already passed, or hereafter to be passed, and the time of suing or prosecuting the offender or offenders, against such acts not thereby provided, no information, action, suit or prosecution, shall be had, brought, issued or commenced against the offender or offenders, against any such act or acts, for, or in respect of any such penalty, fine, or forfeiture, unless the same be done within six months after the passing of this act, if the offence hath been already committed, and within the like space of time after the offence committed, for the future; and all and every offender and offenders against any such act or acts, shall not from thence-

forth

forth be subject or liable to any penalty, fine or forfeiture which may hereby be inflicted or imposed, any law, usage, or custom to the contrary in any wise notwithstanding.

Nothing in this act to prejudice Sir William Baker.

11. *Provided also, and be it further enacted,* That nothing in this act contained shall extend, or be construed to extend, to take away or prejudice the claim of Sir William Baker, of the city of London, knight, or his heirs, or assigns, in and to certain barony or tract of land within the parish of Christ Church, in the province aforesaid.

JAMES HABERSHAM, President.

ALEXANDER WYLLY, *Speaker.*

JAMES WRIGHT,

March 26, 1767

(State Archives.)

An act to empower the general court of pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy and tenacy in common, in this province, and appointing the method of proceeding therein.

Preamble.

1. WHEREAS it would be inconvenient in this province to pursue the method of dividing lands and tenements by writ of partition as practised in Great Britain; and it appears necessary to provide a more easy

easy and less expensive manner of obtaining partitions.

Partition of lands held in coparcenary, &c. how to be obtained.

Be it therefore enacted, That in all cases where any persons being of full age are seized of lands in coparcenary, joint tenancy, or tenancy in common, or where any lands shall descend, or be given to any person or persons whatever in coparcenary, joint tenancy or tenancy in common, and no provision shall be made by will or otherwise how such lands, or tenements shall be divided; it shall and may be lawful for such persons being of full age, or either of them, immediately, and also for any one of such coparceners, joint tenants, or tenants in common, who may be under age, when, and so soon as he, or she shall attain the age of twenty-one years, to apply to the general court of pleas, for a writ of partition (to be devised and framed in the said court according to the nature of the case) and in case he, or she, so coming of age shall neglect so to do, within the space of twelve months, that then the guardian or guardians of him, her or them, remaining under age, shall be, and he, she or they, is and are hereby empowered, if he, she or they, shall think fit, to apply to the said court for a writ of partition; of which application twenty days' notice shall be given to the other parties concerned, their agents, or attornies; and upon any such application, and affidavit made of due notice having been given as aforesaid; it shall and may be lawful for the said court to examine the petitioner's title and part or share of the premises to to be divided, and thereupon to issue a writ of partition directed to any eleven persons whom

Twenty days' notice of the application.

Writ shall issue to eleven partioners.

whom the court shall think fit, requiring and commanding them, or a majority of them to make partition accordingly; they being first sworn in court, or before one of the judges, or any magistrate, or other person or persons for this purpose nominated and appointed by order of court, duly and impartially to execute such wirt: And such partitioenrs or persons named in such writ, shall give eight days' notice of the time of executing thereof, to all the parties concerned, their attornies or agents, and thereupon shall proceed to make a just and equal partition and division of all such lands and tenements, either in entire tracts or parcels as they shall judge to be in proportion to the shares claimed, and most beneficial to the several coparceners, joint tenants, or tenants in common, according to the best of their knowledge; and shall make return thereof under their hands and seals to the said court within three months after the issuing of such writ there to remain of record; which partition or division so to be made shall by the judgment of the said court be final and conclusive to all the parties contained, any law, statute, usage or custom to the contrary notwithstanding. *Provided always,* That if the defendant or defendants, or person concerned, or either of them against whom, or their right or title, any judgment is given, shall within the space of twelve months after such judgment is entered; or in case of infancy, coverture, insanity of mind, or absence out of the province, within one year after his, her or their return, or the determination of such inability, applying themselves to the court where such judgment

To be sworn.

And make the divisions.

And return the same in three months under their hands and seals which shall be the judgment of the court.

Twelve months given to move to set aside that partition.

judgment is entered, by motion, and shew a good and probable matter in bar of such partition, or that the demandant hath not title to so much as he hath recovered; then and in such case the court may suspend, or set aside such judgment, and admit the tenant or tenants to appear and plead; and the cause shall proceed according to the due course of law, as if no such judgment had been given. And if the court upon hearing thereof, shall adjudge for the first demandant, then the said first judgment shall stand confirmed, and be good against all persons whatsoever, except such other persons as shall be absent or disabled as aforesaid; and the person or persons so appealing shall be awarded thereupon to pay costs, or if within such time or times aforesaid, the tenants or persons concerned admitting the demandant's title, parts, or purparts, shall shew to the court, any inequality in the partition, the court may award a new partition to be made in presence of all parties concerned, (if the parties appear) notwithstanding the return and filing upon record the former; which said second partition returned and filed shall be good and firm forever, against all persons whatsoever, except as before excepted.

New partition may be awarded.

2. *And be it enacted by the authority* aforesaid, That the persons making such partitions be allowed and paid a reasonable charge for the same. And in the case the party or parties applying for such writ of partition shall neglect or refuse to allow and pay such charge, the same shall upon application, be settled and awarded by the court.

Compensation of the partitioners.

To be awarded by the court.

By

To Prevent the Spreading of Distempers in this Province.

By order of the Upper House.

JAMES HABERSHAM, *President.*

By order of the Commons House of Assembly.

ALEXANDER WYLY, *Speaker.*

Council Chamber, March 26, 1767.

Assented to.

JAMES WRIGHT.

(State Archives)

AN ACT

To prevent the bringing into and spreading of malignant and contagious Distempers in this Province; to oblige Masters or Commanders of vessels going out of any Port within the same first to produce a Passport from the Governor or Commander in Chief to prevent the harboring of sick sailors and others and for the regulating and well ordering of the Lazaretto upon the Island of Tybee.

WHEREAS the Act for preventing the bringing in and spreading of contagious Distempers in this Province and to oblige Vessels going out of any Port within the same first to produce for that purpose a Passport from the Governor or Commander

in

in Chief for the time being and also to prevent the harboring of sick Sailors and others is near expiring and it is necessary that some proper Regulations should be made for the well ordering and management of the Lazaretto on the Island of Tybee, We therefore pray your most sacred Majesty that it may be enacted and be it enacted by his Excellency James Wright Esquire Captain General and Governor in Chief of His Majesty's Province of Georgia by and with the Advice and Consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met and by the authority of the same, That from and after the passing of this Act the Pilot or Pilots belonging to the several Ports of this Province do before his or their entering on board any ship or vessel designed for this Province make strict Inquiry of every Master or Commander of the same whether the Plague, Smallpox, malignant Fever or any other contagious Distempers be in such ships or Vessels and every such Master or Commander is hereby strictly enjoined without equivocation or reserve under the penalties hereafter mentioned and expressed.

And be it further Enacted that in case the said Pilot or Pilots shall upon Inquiry as aforesaid find that the Plague, Small Pox malignant Fever or any other contagious Distemper be in any such Ship or Vessel such Pilot or Pilots are hereby strictly forbidden and prohibited from entering therein on any Pretense whatever but are required to conduct such Ship or Vessel into Port by going ahead with his Boat and having safely brought the same to an Anchor

Anchor either in Tybee Creek or as near as maybe to the Islands called the Cedar Hammocks in Medway River as the case may happen to acquaint the Commanding Officer at Cockspur or the Collector of His Majesty's Customs at Sunbury therewith in Order that such Ship or Vessel be obliged to comply with the Act of the General Assembly of this Province entitled an Act to oblige Ships and other Vessels coming from places infected with epidemical Distempers to perform Quarantine Provided nevertheless that if by Distress of Weather or other necessity the said Pilot or Pilots shall be compelled to conduct such Ship or Vessel into any other Harbour or Inlet within this Province than herein before mentioned such Ship or Vessel shall be brought to Anchor at some convenient safe Distance from any Plantation or Settlement there to remain until such Ship or Vessel can be removed to either of the Places herein before directed.

And be it further Enacted, that if any Master Mariner Seaman or Passenger arriving in any such Ship or Vessel shall depart from or without the Limits aforesaid or if any Person or Persons shall go within the said Limits and return from thence not having permission of the Governor or Commander in Chief for the time being by and with the Advice and Consent of the Honorable Council every such Person and Persons shall and they are hereby made liable to the several Pains Forfeitures and Penalties inflicted in and by the before mentioned Act.

And be it further Enacted that such Pilot or Pilots

Pilots having on Enquiry found such Ship or Vessel healthy and having boarded the same shall bring to such Ship or Vessel if bound to Savannah in some convenient Place within the Command of the Guns of Fort George on Cockspur Island in Savannah River until a signal be made by the Commanding Officer there for such Ship or Vessel to pass or if bound to Sunbury such Ship or Vessel shall be brought to Colon the Town and the Master or commander of such ship or vessel so brought to as aforesaid shall forthwith repair to the said Fort or to Sunbury as the case may be and there make Oath or if a Quaker affirm respecting the health of the crew and Passengers if any on board the same, and in case of the Incapacity of the Master or Commander so to do that then the Doctor if any there be belonging to such Ship or Vessel with one other Officer or one Officer and one Foremastman if there be no Doctor shall repair to such Commanding Officer or to the Collector of His Majesty's Customs at Sunbury and answer the following Questions upon Oath or Affirmation that is to say whether the place from whence the Vessel came last was healthy? Whether all the Persons Passengers included then on board such Vessel are in Health and free from the Small Pox Plague malignant Fevers and all other contagious Distempers? Whether any died during the Voyage? Of what Distempers? And how long since? Which said Oath or Affirmation the Commanding Officer of the said Fort or the Collector aforesaid are hereby required and authorised to administer and receive from the Master or

Commander

Commander so swearing or affirming on his sailing the following Fee viz^{t} for every Ship Snow or Brigantine the sum of three Shillings and for every Sloop or Schooner (Coasters belonging to this Province only excepted) the sum of two Shillings and six Pence. And in case the said Commanding Officer or Collector shall be satisfied that the Crew and Passengers on board such Ship or Vessel are in a good state of Health he shall permit and suffer the Vessel to come up before the Town of Savannah or Sunbury and the Master or Commander thereof shall if bound to Savannah attend the Governor or Commander in Chief for the time being and answer all such Questions as the said Governor or Commander in Chief shall think fit to ask relating to the matters aforesaid the Answers to which on Oath or Affirmation if required being satisfactory such Ship or Vessel shall be permitted to enter at the several Offices of the Customs and to trade according to Law.

And be it further Enacted that if the Master or Commander of any Ship or Vessel or any Doctor Officer or Foremast Man belonging thereunto shall refuse to answer or give any untrue answer to any Pilot or Pilots relating to the Healthiness of all Persons on board the said Ship or Vessel or shall refuse to be sworn or affirm to or to answer the several matters herein before set forth to the several and respective Persons hereinbefore mentioned such Master or Commander or such Doctor Officer or Foremast Man shall forfeit and pay the sum of One hundred

hundred Pounds to be recovered and applied as herein after mentioned.

And Whereas the transportation of Cargoes of Slaves from Africa or elsewhere renders it necessary to make additional regulations to prevent any malignant and contagious Disorders being introduced thereby Be it further Enacted that from and after the passing of this Act every Master or Commander of any Ship or Vessel who shall arrive and come into this Province over the Bar of Tybee with any negroes on board exceeding ten in number from Africa or elsewhere shall before such Ship or Vessel be permitted upon any pretense whatever to pass Fort George on the Island of Cockspur be obliged to land and put on Shore (weather permitting) upon the Westermost Point of the Island of Tybee where the Lazaretto is to be erected all such Negroes there to remain for and during the term of ten Days and shall suffer them to be and remain on shore at least six Hours in Summer and five Hours in Winter in each of the said ten Days at the Party's own Election for the better cleansing and purifying the said Slaves and Ship or Vessel from any contagious or malignant Distemper any Law Custom or usage to the contrary notwithstanding and in case such Ship or Vessel shall have less than ten Negroes on board then such Negroes to be landed as aforesaid for and during the space of five Days only and shall suffer them to be and remain ashore at least six Hours or five Hours in the said five Days as herein before is directed, Provided nevertheless that if at the

the time of the arrival of any ship or Vessel having Negroes on board any Negroes or other Persons infected with Malignant or contagious Distempers shall be on Shore or at the said Lazaretto then and in that case the said Negroes so arriving, shall be landed and aired on the Island aforesaid, at a convenient distance from the Lazaretto.

And be it further Enacted that if any Ship or Vessel having Negroes on board from Africa or elsewhere shall arrive at Sunbury such Ship or Vessel shall be subject to the several Regulations of this Act and that the Place for bringing to such Ship or Vessel and landing and airing such Negroes shall be the small Islands commonly known by the name of Cedar Hammocks in the River Medway.

And be it further Enacted that in case any Negroes imported or brought into this Province shall be sold landed or put on Shore in any part of this Province before such Negroes shall have been landed and remained on Shore ten Days or five Days or six Hours or five Hours in those Days agreeable to the Directions of this Act all such Negroes shall and they are hereby declared to be forfeited one third to the Informer or Informers, and the remaining two thirds to His Majesty to be applied in aid of the General Tax towards reimbursing the Expence of building the Lazaretto and the paying the salary of the Keeper thereof and the surplus if any shall go and be applied to the keeping of the said Lazaretto in repair and improving and enlarging the same to be recovered in any Court of Record

Record in this Province wherein no Essoign Protection Priviledge or Wager of Law shall be admitted or any more than one Imparlance.

And be it further Enacted that at the End and Expiration of the several Spaces of ten Days and Five Days (as the case may be) hereinbefore mentioned and limited for such Ships or Vessels performing Quarantine having Negroes or other Persons on Board or on Shore at the Island of Tybee or at the Island called the Cedar Hammocks in the River Medway the Master or Commander of such Ship or Vessel shall at his own Cost and Charges cause such Negroes to be visited by some wellknown Practitioner of Physick residing and practicing in this Province and upon a Certificate by him to be given that the said Negroes are to the best of his Skill and Judgment free from any Contagious or malignant Distempers and that they may without Danger be allowed to proceed such Ship or Vessel with the Negroes on board the same shall upon the Master or Commander thereof producing such Certificate to the Commanding Officer at Fort George if in the Port of Savannah or to the Collector of his Majesty's Customs at the Town of Sunbury if in that Port and making Oath before such Commanding Officer or Collector which Oath they are hereby respectively impowered to administer and for which they shall and are hereby impowered to demand and receive the Sum of three Shillings that the several Regulations in and by this Act made have been duly complied with be allowed to proceed to Savannah or Sunbury as the Case may be.

And

And be it further Enacted that in case it shall appear that any contagious and malignant Distemper shall be among any Negroes imported and brought in such Negroes shall be severally and respectively subject to the Regulations of the Act entitled an Act to oblige Ships and other Vessels coming from Places infected with epidemical Distempers to perform Quarantine within the Limits hereinbefore mentioned anything herein contained to the contrary notwithstanding.

And be it further Enacted that nothing in this Act contained shall be construed to extend to any seasoned Negroes or Slaves brought into this Province for the use of the Importer only except in Cases where any contagious or malignant Distempers shall appear to be among such Slaves.

And be it further Enacted that if it shall happen that any Ship or Vessel shall come into the Port of Savannah not having a Pilot on board the Commanding Officer at Cockspur is hereby fully impowered to stop such Vessel and before the Master or Commander thereof is suffered to land to interrogate him (at some safe Distance) as to the State of Health of the said Vessel's Crew and Passengers directed and in case such Master or Commander shall refuse to answer the Questions herein before required he shall be liable to the same Penalty as by this Act is inflicted on Persons refusing to be sworn or affirm.

And be it further Enacted that if the Master or

Commander

Commander of any Ship or Vessel coming into the Port of Savannah shall attempt to pass by Fort George at Cockspur without a Signal of Leave for that Purpose being first made by the Commanding Officer of the said Fort and the Commanding Officer thereof shall order any Shot to be fired at the said Ship or Vessel to prevent her passing the same the Master or Commander of such Ship or vessel shall be and is hereby declared to be liable to pay for every shot after the first so fired the following Sums of Money viz[t] for the second shot Six Shillings and eight Pence and for every shot afterwards thirteen Shillings and four Pence to go to the replacing of the Powder and Balls expended and the surplus if any to be to the Commanding Officer of the said Fort.

And be it further Enacted, that no Ship or other Vessel sailing from the Port of Savannah shall be suffered to pass the Fort at Cockspur or from the Port of Sunbury shall be suffered to depart from the same without producing to the Commanding Officer of the said Fort or to the Searchers of the Port of Sunbury a Permit License or Passport for that Purpose under the Hand and Seal of the Governor or Commander in Chief for the Time being.

And whereas the harboring and entertaining of sick Sailors and others put on Shore either from private Ships of War or Merchant Vessels is become a Burthen and Expense upon the Province for Remedy whereof Be it enacted that the Church Warden

and

and Vestry of the Parish where such sick Sailor or other Person so put on Shore shall happen to be shall procure or hire some convenient House or Lodging for such sick Sailors or other Persons and the necessary and reasonable Charges and Expences of all such sick Sailors or other Persons belonging to any Merchant Vessels shall be paid and defrayed by the Master or Commander of such Ships or Vessels respectively for which they are hereby required to give security in the Secretary's office in the sum of Twenty Pounds to be included in the Bond directed to be entered into by Masters of Vessels upon their arrival into this Province by virtue of An Act entitled An Act to prevent Masters of vessels from carrying off Persons in Debt from this Province and in case they shall neglect or refuse to pay the same that then the Church Warden's of such Parish for the time being have Power and they are hereby impowered to sue for and recover the same from all such Masters or Commanders or in their absence from all such Persons as have become security for such Ship or Ships Vessel or Vessels respectively in the Secretary's Office who are hereby declared to be subject and liable to pay the same in Case of Refusal of the Masters or Commanders as aforesaid and all the necessary and reasonable Charges and Expence that shall accrue by means of any Seaman Mariner or other Person who shall be sent sick on Shore from any Private Ship or Vessels of War shall be paid and defrayed by the several Captains Masters or Commanders of such Ships or Vessels of War respectively and to prevent

prevent as much as may be any Disputes that may arise hereupon the said Captains Masters or Commanders of such Vessels of War shall give Security to the Church Wardens for the payment of all such necessary Charges and Expences.

And be it further Enacted that every Housekeeper within the Province with whom any Seaman shall be taken sick shall give immediate notice to the Church Wardens of the Parish where such sick Seaman shall happen to be and every Housekeeper who shall fail or neglect to give such early Notice as aforesaid shall be and they are hereby made liable to the whole Expence attending the said sick Person or Persons.

And be it further Enacted that all and every Commander of private Ships or Vessels of War or Merchant Vessels who shall permit or suffer any of their sick Seamen or others to be put on Shore contrary to the Regulations of this Act shall for every such Offence forfeit the Sum of Twenty Pounds to be recovered and applied as herein after is directed.

And whereas by an Act passed by the present Session of the General Assembly Provision is made for the erecting and building of a Lazaretto and a House for the Keeper thereof upon the Island of Tybee Be it further Enacted that the said Lazaretto shall be and the same is hereby appropriated for the Reception of Negroes and other Persons as well in Health as in Sickness who by this Act or by the Act entitled An Act to oblige Ships and other Vessels coming

coming from Places infected with epidemical Distempers to perform Quarantine are directed and obliged to be landed and put on Shore as well to be aired as to perform such Quarantine.

And be it further enacted that the Governor or Commander in Chief of this Province for the time being by and with the Advice and Consent of His Majesty's Council shall and may from Time to Time give such Orders touching and concerning the Said Lazaretto and the Keeper thereof and the several Directions of this Act as shall be necessary to regulate and enforce the same and shall and may also appoint a proper Person to be Keeper of the said Lazaretto who shall and he is hereby declared to be subject to obey such Orders and Directions as shall from Time to Time be given him as aforesaid.

And be it further enacted that the Treasurer of this Province shall pay Yearly and every Year upon an Order of the Governor and Council to the Person appointed Keeper of the said Lazaretto the sum of Twenty five Pounds out of any Monies in his Hands arising from the General Tax and shall be allowed the same as a Discharge in his Account with the Publick.

And be it further Enacted that all and singular the Penalties and Forfeitures by this Act imposed the mode of recovering which is not herein before directed and which are not herein before particularly appropriated shall be sued for and recovered by Action of Debt Bill Plaint or Information in any Court

Court of Record in this Province and be applied one third to the Informer or Informers and the other two thirds to His Majesty in Aid of the General Tax toward reimbursing the Expence of building the Lazaretto keeping the same in Repair and paying the Salary of the Keeper or Manager of the said House and all and every Person and Persons who shall be sued or prosecuted for any Act Matter or Thing in Pursuance or Execution of this Act shall and may plead the General Issue and give the special matter in Evidence and if any Plaintiff or Prosecutor shall be nonsuited suffer a Discontinuance enter a noli prosequi or a Verdict shall be given against him the Defendant shall be allowed and recover noble Costs.

And be it enacted that this Act shall continue and be in Force for and during the Term of two Years from the passing thereof and from thence to the End of the next Session of the General Assembly and no longer.

By Order of the Upper House

JAMES HABERSHAM *President.*

By Order of the Commons House of Assembly

ALEX WYLLY *Speaker*

Council Chamber
26th March 1767

Assented to

Ja: WRIGHT:

INDEX

A.

Abercorn, collectors and assessors for.....69; 167; 244;
mentioned .....259.
Abercorn Creek, mentioned.....204; 205.
Acadians, disposition of, act approved Feb. 8, 1757.....188;
justices may bind.....189;
age limit.....189;
form of justice's certificate.....190;
compensation of justices.....190;
record book 190;
denied use of fire arms .....190.
Acts continued, see General Assembly.
Actions, act for limitation of and for avoiding suits in law approved March 26, 1767 .....802;
writs of formedon, etc., limited 802;
quiet possession for twenty years good title 804;
under claimants barred 805;
claims to lands to be by suit only 805;
limitation of personal actions 806;
reversal of judgment party to renew suit, when 807;
in trespass disclaimer and tender of amends when bar to actions 807;
in slander, damages under forty shillings, no more costs than damages 808;
exceptions to general limitation 808;
limitations for recovery of fines and forfeitures not specially provided for 809;
nothing in act to prejudice claim of Sir W Baker .....810.
Acton, collectors and assessors for 70; 168; 244;
mentioned .....90; 183; 728.
Administrators, see Estates.
Alatamaha River, mentioned, 92; 137; 185; 198; 201; 206; 260; 285; 286; 287; 288; 583; 584; 689; 725; 726.
Alexander, William, surveyor for northwest district.....185.
Armourer, salary of .....405.
Arthur, Francis, collector and assessor for Midway and Newport 168;
commissioner for erecting fort 413;

for regulating pilots and pilotage .....516.
Ash Swamp, mentioned .....584; 725.
Assessors and collectors appointed,....69; 167; 244; 340; 343; 398.
Assistant Judges, appointed to execute act .....578.
Attorney General, to recover fines of collectors and assessors.....
..... 341; 348;
account of 407;
appointed to execute act .....578.
Attorneys and agents, liable as owners 70; 168; 244; 399;
sales of land by, to be valid in law 161;
act relative to .....172.
Augusta, collectors and assessors for.....70; 167; 244; 343; 398;
commissioners for 205;
mentioned 89; 185; 259; 261; 278; 721; 722;
persons keeping tavern or retailing liquors in to pay license 219;
act for building church and repairing parsonage in, approved March 4, 1762 .....495;
tax on liquors to be appropriated under certificate from Governor and Council 497;
commissioners appointed 499;
church wardens and vestry empowered to dispose of fees and moneys arising from sale 500;
vacancy in commission, how filled 500;
commissioners to make financial statement before General Assembly when required 500;
act for building fort and barracks near, approved Mch. 25, 1765 .....639.

B

Bacon, Joseph, surveyor for Midway .....91.
Bailey or Baillie, Capt. Kenneth, surveyor for Midway.....91;
collector and assessor for Midway and Newport.....168;
commissioner for Midway 206;
for erecting fort 413;
for erecting lookout and battery.....475.
Baillie, Robert, surveyor for St. Andrew.....585;
commissioner for building barracks.....641;
of roads .....726.
Baker, Benjamin, collector for Midway and Newport.....70;
commissioner for erecting fort .....413.
Baker, Richard, commissioner of roads.....725.
Baker, William, Sr., collector and assessor for St. John.....398.
Baker, Sir William, claim of not to be prejudiced by act.....810.
Banks, see dams.
Barnard, Edward, surveyor for 4th northwest district 185; 722;

commissioner for Augusta 205;
for erecting forts 413;
for building churches 499;
for erecting fort and barracks ..... 641.
Barnard, John, collector for Sea Island 70;
surveyor for southeast district 90;
commissioner for Savannah .....205.
Barracks and fort, act for building.....639.
Barton's Branch, mentioned .....89; 185.
Beal, Jacob, commissioner of roads .....722.
Beaver Dam Creek, mentioned .....205; 259; 722.
Beef, act to prevent frauds in selling.....774.
Bermuda Islands, mentioned .....260.
Bevill, Robert, commissioner for erecting forts .....413.
Bills of credit, see Paper bills.
Binan, Lewis, surveyor for third northwest district .....185.
Block houses, act for erecting fort around 408;
amendatory act .....433.
Blythe & McCarthy, account of .....407.
Bolton, Robert, commissioner for establishing market in Savannah 84;
superintendent of watch in Savannah.....213;
commissioner of roads .....719.
Bosomworth, Adam, commissioner for erecting lookout and battery .....475.
Bourghalter, Michael, surveyor for southern district .....90.
Bourquin, Henry, collector and assessor for Little and Great Ogechee 244;
commissioner of roads .....724.
Bowen, Samuel, slaves of, exempted from working on roads...720;
plantation of .....723; 728.
Braddock, David Cutler, commissioner of roads .....723.
Bradly, William, lot claimed by .....643.
Brewton, Miles, act establishing ferry from plantation of....764.
Broad River, mentioned .....259.
Brown, Patrick, collector for Augusta and Halifax,.....70;
surveyor for 3d northwest district,.....89.
Bryan, Hugh, commissioner of roads,.....723.
Bryan, Jonathan, surveyor for northwest district 88;
mentioned, ...90; 186;
commissioner for Savannah, ...205;
for erecting magazine, ...300;
for repairing and securing light house,.....351;
for erecting forts, ...413; 475;
appointed trustee, ...570; 571;
commissioner of roads, ...723.
Bryer Creek, mentioned, ...89; 185; 205; 721.
Burghalter, Randolph, collector and assessor for Vernonburgh and Acton .....244.

Burquine, see Bourquin.
Burrington, Thomas, superintendent of watch,.....213.
Burtley's ferry, mentioned, ...584; 725.
Butler, Elisha, surveyor for York district,.....91;
commissioner for Great Ogechee, ...205;
collector and assessor for Little and Great Ogechee,....244;
for Hardwick and St. Philip,.....398;
commissioner for erecting fort,.....413;
of roads, ...724.
Butler, Joseph, commissioner for fixing rates,.....280;
collector and assessor for Hardwick and St. Philip,....398;
commissioner for erecting fort,.....413.
Butler, Joseph, Sr., collector and assessor for Great and Little Ogechee, ...167;
surveyor for Great Ogechee 185;
commissioner for Great Ogechee,.....205;
of roads, ...728.
Butler, Joseph, Jr., commissioner for Great Ogechee,.....205;
collector and assessor for Hardwick and St. Philip,....343;
commissioner of roads, ...724.
Butler, William, collector for Great and Little Ogechee,.....70;
surveyor for York district,.....91;
commissioner for Great Ogechee,.....205.
for erecting forts, ...413.

C

Calwell, John, packer and inspector of lumber,.....798.
Campbell, Dougal, commissioner for Augusta .....205; 244.
Campbell, James, commissioner for establishing market in Savannah, ...84.
Campbell, Martin, collector for Augusta and Halifax,.....70;
commissioner for Augusta, ...205.
Carr, Mark, collector for Midway and Newport,.....70;
mentioned, ...91;
commissioner for Midway, ...205;
for erecting fort, ...413;
for erecting lookout and battery,.....475.
Carter, Thomas, commissioner for erecting fort,.....413;
surveyor for St. John 507;
commissioner of roads, ...725.
Cartlidge, Edmund, commissioner of roads,.....722.
Cattle, act to prevent enemy being supplied with,.....197; 283;
act better regulating fences, ...303;
act to prevent stealing of horses and neat cattle, etc., approved Mch. 27, 1759, ...319;
acts relative to, declared of full force.....320;

toll-masters appointed, ...320;
toll-masters empowered to administer oaths,....320;
record of sale to be kept,....321;
no sale sufficient in law unless avouched and tolled,....321;
horses brought from other provinces,....321;
colts not to be branded until ownership is proven,....322;
penalty for persons violating act, ...322;
persons giving evidence against offenders rewarded,..323;
slaves not to mark or brand cattle,....323;
owners proving property shall pay charges,....324;
owners not appearing toll masters to sell horses, etc.,..324;
description of strayed cattle to be given to toll masters, 325;
failure to give information of strayed horses, etc.,....325;
penalties, how recovered 325;
moietys and forfeitures, how applied,....326;
rewards, how paid, ...326;
captains of troops of horse and militia to cause act to be read publicly, ...326;
act continued until Jan. 1, 1765,....623;
amendatory act, approved Mch. 6, 1766,....749.
Cherokee Indians, people wounded by,....407;
hostilities by, ...420.
Chief Justice, commissioner for executing act,....578.
Christ Church parish described,....259;
parish church and burial place of,....260;
rector for, ...261;
acts relative to, ...290; 316;
mentioned, ...302; 334; 495; 720; 723; 727; 728;
church to be repaired,....308;
collectors and assessors for,....343; 398;
commissioners to build fort,....410;
money allowed commissioners of, to defend Savannah,..411;
commissioners for, ...412;
to be obedient to orders of Governor....414;
commissioners to cause act to be advertised in Savannah, 415;
maintenance for minister of,....442;
appropriation for, ...497.
cemetery of, enlarged, ...568;
church wardens and vestry of, to appoint beadle,....753.
Churches, appropriation for building, ...497.
See Augusta and Parishes.
Clancey, Thomas, collector and assessor for Frederica and St. James, ...343; 399.
Clark, Angus, surveyor for most southern district,....92;
collector and assessor for Sapelo and Darien,....168;
commissioner for Darien, ...206.
Clark, Daniel, collector and assessor for Augusta and Halifax,..167;
commissioner for Darien, ...206;
for erecting forts, ...413.

Clark, Donald, collector and assessor for Sapelo and Darien,..168.
Clark, Hugh, collector for Sapelo and Darien,.....70;
surveyor for most southern district,.....92;
surveyor for St. Andrew, ...585;
packer and inspector of lumber,.....798.
Clark, William, assessor and collector for Sapelo and Darien,..244.
Clerk of Assembly, salary of, ...406.
Clifton, William, commissioner for Savannah,.....205;
for building churches, ...264;
for erecting forts, ...413; 475;
member committee to correspond with Wm. Knox,..483; 537;
commissioner for having laws printed,.....492.
Cochran, Jonathan, commissioner of roads,.....724.
Cockspur Island, act for erecting fort and battery on,.....472.
Commissary, salary of, ...405.
Commissioners appointed for issuing bills of credit, 50; 237; 308; 439; 745;
to give bond, ...51;
oath of, ...52;
title of, ...56;
to re-let money,.....58;
to keep office, ...60;
fees of, ...60;
duties of, ...84; 204; 206; 256; 279;
to appoint collectors, ...256;
to have churches built, ...262; 499;
to take up lands for churches,.....263;
to fill vacancies, ...264; 500; 517;
to erect magazine, ...300;
to repair and secure light house on Tybee Island,.....350;
to repair and rebuild forts,.....408;
to imprint certificates, ...422; 640;
to pay sum to treasurer, ...423;
to lay accounts before General Assembly,.....425; 500;
appointed to execute act regulating Savannah,.....459;
to construct fort, lookout and battery,.....473;
to employ workmen and contract for material,.....473;
to have laws printed,.....492;
for regulating pilots and pilotage,.....516;
authorized to exchange portion of common of Savannah, 526; 789;
to execute act regulating workhouse for negroes,.....558;
to rebuild court house in Savannah,.....577;
to execute act for building fort and barracks,.....641;
commissioners of roads appointed,.....719; 726;
additional commissioners may be appointed,.....727;
to purchase land for building lazaretto,.....792.
Committee appointed to correspond with Wm. Knox, Agent, 482; 537; 582.

Commons House of Assembly, act to ascertain manner and form of electing members of, approved June 9, 1761,.....464;
writs of election, how issued,.....465;
provost marshal to cause election to be made and return names of persons elected, ...465;
public notice to be given of time and place of election,..465;
frauds, how prevented, ...466;
candidates receiving majority declared elected,.....466;
time for taking votes, ...467;
no election to continue longer than two days,.....467;
time for closing polls,.....467;
qualifications necessary to become member, ...467;
vacancies, how filled, ...467;
voters to take oath, ...468;
oath, ...468;
penalty for making fraudulent returns,.....469;
election managers not to return themselves as members, 469;
provost marshal refusing to inform House relative to election, fined, ...469;
persons interfering with or influencing voters, how punished, ...470;
civil process not to be served on qualified voters, when, 470;
Commons House to determine qualification of members, 471;
powers or privileges of General Assembly not to be taken away, ...471;
Governor to adjourn, prorogue or dissolve General Assembly, ...471.
Constables, act establishing method of appointing and ascertaining qualifications of, etc., approved Mch. 27, 1759,.....327;
method of appointing, ...328;
oath of, ...329;
persons appointed refusing to appear, how punished,....329;
forfeitures, how disposed of,.....329;
penalty for non-payment of fines,.....329;
absentees, how punished, ...329; 330;
may provide substitute, ...330;
persons having served as constables not liable,.....330;
persons liable to serve as constables,.....331;
persons exempted, ...331;
justices to fill vacancies,.....331;
constables to make return of persons liable to serve,....332;
to make return of persons qualified for grand or petit jurors, ...332;
penalty for neglect, ...332;
constables making return to take oath,.....332;
constables making oath to sign name or make mark,....333;
clerk of court to make lists of justices omitting to send lists, ...333;
constables, powers of, ...333;

constables refusing to execute precept, penalty for,....333;
exempted from working on public roads, when,.....334;
to assist church wardens to keep order,.....334;
persons refusing to attend divine worship, how punished, 335;
constable refusing to aid church wardens, how punished, 335;
acts relative to, ...294; 314
Contagious distempers, act to prevent bringing into and spreading of, in this province,.....543; 814.
See also Quarantine.
Conveyances, act confirming and making valid conveyances made by feme-coverts,.....417;
See Deeds and Feme-coverts.
Cookson, John, inspector of lumber, ...798.
Counterfeiters of paper bills of credit to suffer death, ...61; 451.
Courts, acts relative to, ...144; 171; 172; 372; 501;
act for holding special courts of common pleas, approved Mch. 4, 1760, 362; approved April 7, 1763, ...539;
masters of vessels petitioning, special courts, when held, 362; 540;
special jury, when struck,.....363; 540; 541;
jurors to be summoned,.....363;
fines for jurors not appearing,.....364; 541;
fees of jurors, ...364; 541;
judgments to issue, when,.....364; 542;
books, letters and papers to be produced,.....364;
penalty for refusal, ...365;
continuation of act, ...365;
transient persons may obtain special courts,.....540;
amendatory act, approved Mch. 6, 1766, ...762.
See Lands and Oyer and Terminer.
Court house in Savannah to be rebuilt,.....577.
Cowanachee River, mentioned,.....91.
Creek Indians, alarming accounts from,.....433.
Creeks, damages from, **see Rivers.**
Crooke, Robert, commissioner for building churches,.....499.
Cubbage, John, surveyor for York district,.....91.
Cumberland Island, mentioned, ...286.
Cuthbert, George, collector for Ebenezer,.....69;
commissioner of roads, ...720.
Cuthbert, James, slaves of, exempted from working on roads, 720.

D

Dams or banks, act to prevent damages arising from, approved April 7, 1763, ...528;
persons liable to be prejudiced must give consent,.....529;
justice to summon freeholders to examine when complaint is

made, ...529;
freeholders, how named, ...529;
if complaint is sustained dam must be cut open,.....530;
aggrieved party to recover under stated conditions,....530;
per diem of freeholders for service,.....531;
persons sued to plead general issue,.....531;
act limited, ...532.
Darien, collectors and assessors for, ...70; 168; 244;
mentioned, ...92; 260; 583; 585; 726;
public roads in, ...185;
commissioners for, ...206;
Davis, John, Sr., commissioner of roads,.....724.
Davis, John, surveyor for southeast district .....90.
collector and assessor for Little and Great Ogechee,.....167.
Day, Dr. William, collector and assessor for Augusta and St. Paul, 398.
De Brahm, William, commissioner for Ebenezer,.....205;
collector and assessor for Ebenezer and St. Mathew,..343;
commissioner for erecting forts,.....413.
Debt, act to amend act to prevent masters of vessels carrying off persons in, approved May 1, 1760,.....460;
act continued, ...586;
Debts, act for better securing payment of, due by non-residents, approved Feb. 8, 1757,.....172;
money, goods and chattels of absentees may be attached, 173;
writ of attachment to be directed to provost marshal, 174;
provost marshal to summon parties to appear at general court, ...174;
judgment against persons refusing to appear,.....174;
persons suing out writ of attachment to file declarations, 176;
absent debtors allowed time to plead,.....176;
effects attached to be delivered to plaintiff,.....177;
plaintiff having bond of absent debtor may sue, etc.,....178;
plaintiff to make oath to debt demanded,.....178;
if defendant be indebted to person having effects,.....179;
how effects attached may be sold,.....179;
attorneys appearing for absent debtor, etc., attachment to be dissolved, ...179;
absentees appearing in two years disapproving debt to recover damages, ...180;
act not to extend to persons giving notice of departure, 180;
fees of attorneys, etc., ...180;
attachments not granted for sum not exceeding £10,...181;
duration of act, ...181;
See also act settling province, ...191.
Debts and damages, act for recovery of small, approved April 24, 1760, ...372;
not exceeding £8, how determined,.....372;
nox exceeding 40s, how determined, ...373;

debtor and witnesses to be summoned,.....373;
judgment, how obtained, ...373;
judgment by default, ...374;
levy not to exceed amount of debt or damage,.....374;
constable to give notice of sale,.....374;
moneys arising by sale, how disposed of,.....374;
no chattels found, debtor committed to goal,.....374;
only sufficient goods to be sold to answer debt,.....374;
constables offending to be fined, ...375;
debtor not imprisoned, when, ...375;
plaintiff may appoint person to appear for him,.....375;
oath to copy of account admitted as evidence, when,....375;
discount against plaintiff to be allowed,.....375;
plaintiff non-suited defendant to recover costs,.....375;
warrants may be issued against debtors suspected of departing province, ...376;
person detained, court held for determining cause,.....376;
justices' and constables' fees, ...377;
justices empowered to appoint clerks,.....378;
offenders against act to be fined,.....378;
times of holding courts, ...379;
juror's oath, ...379;
persons aggrieved by judgment of court may appeal,..379;
no judgment signed or execution issued, when,.....380;
penalty of jurors refusing to serve, ...380;
penalty on witnesses refusing to appear, ...381;
penalty on constables neglecting duty,.....381;
summons, how served, ...382;
form of summons, ...382;
summons for justice and juror or freeholders, ...383;
summons for witnesses, ...383;
warrant of arrest to secure debtor suspected of leaving province, ...384;
bail piece or bond, ...384;
execution, ...384;
summons served against debtor removing into another province, ...386;
attachments granted against effects of absentees,.....386;
method of proceeding on attachment, ...386;
style of the court, ...387;
persons committing perjury, penalty on,.....387;
persons suing in general court,.....388;
justices to make rules and orders of court,.....388;
amendatory act, approved Mch. 4, 1762, ...501;
persons aggrieved may appeal to general court of pleas, 502;
time prescribed for entering pleas,.....502;
general court authorized to determine all appeals,....503;
jurors make liable and penalty affixed,.....503;
debts under £8, how collected,.....504;

pilots to recover .....523.
Debtors, act for relief of when confined, approved Mch. 6, 1766, 786;
debtor's oath, ...787;
creditor may detain prisoner,.....787;
persons capable of laboring in prison exempt,.....788;
persons convicted of perjury, how punished,.....788;
continuance of act, ...788.
Deeds made to avoid being assessed void,.....169; 246; 346; 402.
Deeds and conveyances, act to prevent fraudulent, approved Mch. 7, 1755, ...77;
conveyances registered, ...78;
penalty for making second deed without mentioning first, '81.....
wills, when and how registered, ...79;
act making valid all deeds and conveyances heretofore made, approved April 7, 1763,.....533;
conveyances and deeds recorded in Secretary's office deemed valid in all courts, ...533;
proviso, ...534;
act limited, ...536.
Defence, see Public Defense.
Delegal, Philip, surveyor for southwest district, ...89;
collector and assessor for Little and Great Ogechee, ...167;
commissioner for Savannah, ...205;
of roads, ...724.
Demere, Raymond, commissioner for building barracks,.....641.
Demetre, Daniel, collector and assessor for Frederica,.....168.
Derick, George, surveyor for southern district,.....90.
Deveaux, James, surveyor for southwest district,.....89;
commissioner for Savannah, ...205;
for building churches, ...264;
for repairing and rebuilding light house,.....351;
trustee for purchasing house for Governor,.....390;
account of, ...406;
commissioner for erecting forts, ...413;
for executing act for defense of Savannah,.....423;
for regulating town of Savannah, ...459;
for erecting forts and battery, ...475;
member of committee to correspond with Wm. Knox,..483;
commissioner of roads, ...728.
Deveaux, John, surveyor for southwest district,.....89.
Dews, William, surveyor for northwest district,.....88;
collector and assessor for Sea Islands, ...168.
Dixsie, James, appointed packer and inspector,.....798.
Donnom's Swamp, mentioned, ...185; 205.
Douglass, David, collector and assessor for Augusta and Halifax, ...167;
surveyor for fourth northwest district,.....185;
commissioner for Augusta, ...205;

collector and assessor for Augusta and St. Paul,.....398;
commissioner for erecting forts, ...413.
Dunbar, John, commissioner for regulating pilots and pilotage, 516.
Dunham, James, mentioned, ...185; 205; 260; 724; 725.
Dunlap, Joseph, appointed packer and inspector,.....798.

E

Earl, John, commissioner of roads,.....728.
Eastern division described, ...727.
Eastwood Island, mentioned, ...260.
Ebenezer, collectors and assessors for,....69; 167; 244; 343; 398;
commissioners for, ...205;
persons keeping tavern or retailing liquors in, to pay license, ...219;
mentioned, ...259; 278.
Egg Island, mentioned, ...260.
Elections, **see Commons House.**
Ellcott, John, account of, ...407.
Elliott, Grey, collector and assessor for Midway and Newport, 167;
commissioner for Midway, ...205;
for erecting forts,.....413;
for erecting forts and battery,.....475;
for having laws printed, ...492;
member of committee to correspond with Wm. Knox, 537;
....582;
appointed trustee, ...570; 571;
commissioner to issue paper certificates,.....745;
for executing act, ...793.
Elliott, John, collector for Midway and Newport,.....70;
commissioner for erecting forts,.....413;
for erecting lookout and battery,.....475.
Elliott, William, collector for Great and Little Ogechee,.....70;
surveyor for southwest district, ...90.
Ellis, Henry, commissioners to obey instructions of,.....206;
commissioner to have churches built,.....264.
Ellis Square, mentioned, ...572; 573.
Emanuel, David, collector and assessor for Halifax and St. George,
....343; 398;
commissioner for erecting forts, ...413;
of roads, ...722.
Enemy, act to prevent enemy being supplied with cattle or other provisions, approved July 19, 1757,.....197;
approved Dec. 12, 1758,.....283;
cattle and provisions intended for supply may be seized,
....198; 283;
guilty parties may be fined and imprisoned,..199; 200; 201;

constables seizing to give information to justice,.....284;
forfeit of justice neglecting or refusing to issue summons,
....285;
persons attempting to transport cattle, horses, etc., over Alatamaha without license, ...285;
amount of forfeit, ...286;
cattle, horses, etc., not liable to forfeit,.....286;
license, how issued, ...286;
justice to take bond of persons applying for license,..287;
forfeit for selling without license,.....287;
servants aiding in driving cattle, upon conviction to be seized and sold at public outcry, ...288;
persons sued may plead general issue,.....289.
Estates, act to direct executors and administrators, approved Feb. 29, 1764, ...599;
made chargeable with goods inventoried, ...600;
oath of, ...600;
must account for true value,.....601;
forty days' notice before sale,.....602;
debtors made executors, ...602;
appraiser's oath, ...602;
administrator's bond, ...603;
letters of administration to principal creditor in trust for other creditors, ...603;
debts to be discharged in average,.....603;
intestate estates distributed in twelve months,.....604;
second dividend in two years.....604;
executors and administrators chargeable,.....605;
commissions, ...605;
may bring suit in general court,.....606;
recovery limited, ...607;
commissions, how divided, ...607;
Evans, Middleton, surveyor for Midway,.....91;
collector and assessor for Sea Islands,.....244.
Ewen, William, collector and assessor for Savannah,.....167;
appointed surveyor, ...184;
commissioner for Ebenezer, ...205;
superintendent of watch, ...213;
commissioner for fixing rates, ...280;
collector and assessor for Savannah and Christ Church, 343;
....398;
account of, ...406;
commissioner for erecting forts, ...413;
for executing act regulating Savannah,.....459;
for erecting fort and battery, ...475;
for having laws printed, ...492;
member of committee to correspond with Wm. Knox, 537;
....582;
commissioner for ordering and taking care of work house

for negroes, ...558;
for building guard house, ...641;
for issuing certificates, ...646; 745.
Ewensburgh, mentioned, ...719.
Executors, see Estates.

F

Farley, John, account of, ...349.
Feme-coverts, act confirming and making valid conveyances by, approved Apr. 24, 1760, ...417;
conveyances of land made by husband and wife or acknowledged by wife made valid, ...418;
how made and registered, ...418;
how wife shall join husband in conveyance,.....419;
relinquishment of dower, ...419;
justice's fees, ...419;
such conveyances declared valid in law,.....420.
Fences, act regulating, approved Mch. 7, 1755,.....73;
approved Mch. 27, 1759,.....303; 353;
height of fences, ...74; 354;
if deficient, planters responsible for damages,.....74;
if sufficient and damage done, planters to make satisfaction, ...74;
dimensions of fences and enclosures,.....304;
owners of cattle not liable for damage to places not properly fenced, ...305; 355;
justices to appoint freeholders to appraise damages, 305; 355;
freeholders refusing or neglecting to act fined...306; 356;
stakes, etc., not to be fixed in enclosures under penalty, 306; 356;
title of land not to be disputed in trial for damages, 307; 357;
former act repealed, ...357.
Fenton, Martin, collector and assessor for Sea Islands,.....168;
commissioner of roads, ...728.
Ferries, surveyors to establish, ...88; 100; 739;
act establishing ferry from plantation of Miles Brewton to plantation of Jermyn and Charles Wright, etc., approved Mch. 6, 1766, ...764.
Fire arms, Acadians denied use of, ...190;
persons discharging after sunset subject to fine,.....295;
act to oblige male white persons to carry,.....298;
Firewood, act to prevent frauds in selling,.....774.
Fisher, James, collector and assessor for St. John,.....399;

commissioner for erecting fort,.....413;
for erecting lookout and battery,.....475;
for regulating pilots and pilotage,.....516.
Fitch, John, surveyor for fourth northwest district,.....185;
commissioner for Augusta,.....205;
collector and assessor for Augusta and St. Paul,.....343.
Fitz, John, surveyor for third northwest district,.....89.
Flerl, John, collector and assessor for Ebenezer,.....69; 244;
surveyor for second northwest district,.....89; 721;
commissioner for Ebenezer, ...205;
for erecting forts, ...413.
Ford, Dr. Thomas, account of, ...407.
Forrester, James, commissioner for building barracks,.....641.
Fort Barrington, mentioned, ...585; 726.
Forts to be erected for defense of province,.....202;
to be built at Savannah, ...211;
act for repairing and rebuilding, and better securing town of Savannah by erecting a fort round the magazine and block houses, approved Apr. 24, 1760,.....408;
commissioners to repair and rebuild log forts,.....409;
commissioners for Christ Church to build fort,.....410;
to contract for material and employ workmen,.....410;
to impress workmen and seize material if necessary,....410;
commissioners for out-forts to employ slaves,.....410;
owners of slaves so employed discharged from road duty, ...410;
penalty on persons refusing to perform duty,.....411;
moneys allowed commissioners for defense,.....411;
commissioners named, ...412;
commissioners of Christ Church to be obedient to Governor, ...414;
commissioners to meet to inspect forts,.....414;
penalty on commissioners refusing or neglecting duty, 414;
penalty on persons removing or defacing fortifications, 415;
clause of act to be advertised in Savannah,.....415;
commissioners to fill vacancies,.....416;
to give account of proceedings,.....416;
authority of commissioners of Christ Church continued, 416;
duties required of other commissioners to be completed, when, ...416;
amendatory act, approved June 4, 1760,.....433;
act for erecting fort and battery on Island of Cockspur, approved Dec. 19, 1761, ...472;
act for building a fort and barracks, etc., approved Mch. 25, 1765, ...639;
See act for better defense of Savannah, 420; also Public Defense.
Francis, William, surveyor for northwest district,.....88;
commissioner for fixing rates, ...280;
for erecting fort, ...413.

Frauds, act to prevent, in admeasuring and laying out his Majesty's lands, approved Mch. 5, 1765, ...624; act to prevent frauds and deceits in selling beef, pork, pitch, tar, turpentine and firewood, approved Mch. 6, 1766,..774; See also Commons House.
Fraser, Thomas, collector and assessor for Vernonburg and Acton, ...244;
Frederica, collectors and assessors for,....70; 168; 244; 343; 399; mentioned, ...260; 278; repairing barracks and forts in,.....639; packer and inspector for,.....798.
Fulton, Samuel, commissioner of roads,.....726.
Fyffe, Alexander, commissioner for better ordering and caring for work house for negroes, ...558.

G

Gaming, see Lotteries.
Gegg, Thomas, account of, ...406.
Georgia, act for better settling of, ...191; 277; 627; 743.
General Assembly, penalty for declaring acts of, not of force, 64; several acts of to be continued,.....296-298; 619. See also Commons House.
General court of pleas, see Courts.
Germany, Robert, surveyor for third northwest district,.....89; for fourth northwest district, ...185; collector and assessor for Augusta and St. Paul,.....343; commissioner for building forts and barracks,.....641.
Gibbons, John, commissioner of roads,.....723.
Gibbons, Joseph, surveyor for northwest district,.....88; commissioner of roads, ...723; to execute act, ...793.
Gibbons, William, commissioner of roads,.....723.
Golding, John, commissioner of roads, ...725.
Goldsmith, Thomas, collector for Frederica,.....70.
Goldwire, Benjamin, commissioner for ordering and caring for work house for negroes, ...558.
Goldwire, John, collector and assessor for Ebenezer,.....244; for St. Mathew, ...398; commissioner of roads, ...721.
Goshen, collectors and assessors for,.....69; 167; 244; mentioned, ...88; 89; 259.
Governor and Council mentioned, 72; 99; 170; 246; 273; 276; 281; .....302; 348; 367; 370; 405; 424; 493; 497; 500.
Governors, act to purchase house for, approved Apr. 24, 1760, 388; trustees named, ...390; to borrow sum to make purchase,.....390;

to demise premises to persons advancing money.....390;
premises not to be discharged by tender of money,.....391;
annuity, how paid, ...391;
moneys employed in discharge of annuity,.....391.
Government, expenses of, see Oyer and Terminer.
Graham, James, commissioner for regulating pilots and pilotage 516;
Graham, John, superintendent of watch.....213;
commissioner for fixing rates,.....280;
for erecting magazine, ...300;
for executing act for defense of Savannah.....423;
for erecting fort and battery 475;
member committee to correspond with Wm. Knox 483;
commissioner to have laws printed 492;
for regulating pilots and pilotage .....516.
Graham, Patrick, commissioner for issuing bills of credit .....50.
Grants, salary of register of,.....405;
act for registering .....627.
Graven, John Henry, surveyor for third northwest district ...185.
Graves, John, commissioner for Midway.....206;
collector and assessor for Midway and Newport .....244.
Graves, William, collector and assessor for St. John .....398.
Great Ogechee, mentioned 182; 185; 259;
commissioners for .....205.
Great and Little Ogechee, collectors and assessors for, 70; 167; 244.
Great Ogechee River, mentioned....89; 91; 198; 200; 204; 259; 284; 287; 505; 723; 724.
Great Satilla River, mentioned .....690.
Green Islands, mentioned .....90.
Greene, John, commissioner of roads .....728.
Grewes, John Henry, collector and assessor for Halifax .....244.
Griner, Andrew, commissioner for erecting fort 413;
of roads .....721.
Griner, Gasper, Jr., collector and assessor for Halifax and St. George 343;
commissioner for erecting fort .....413.
Grover, William, commissioner for erecting fort .....413.
Gun powder, act for raising public store of gun powder for defense of province, approved Dec. 14, 1756 .....159;
act for erecting public magazine .....299; 301.
See Forts and Public Defence.

H.

Habersham, James, mentioned 88; 723;
commissioner for Savannah 205;
for building churches 264;

for erecting fort 413;
member committee to correspond with Wm. Knox....482;
....537; 582;
commissioner to have laws printed 492;
appointed trustee 570; 571;
commissioner of roads ....719; 724.
Halifax, collectors and assessors for....70; 167; 244; 343; 398;
mentioned ....89; 185; 205; 259.
Hamm, John, collector for Abercorn and Goshen 69;
surveyor for northwest district ....88.
Hampstead, mentioned ....90; 724.
Handley, William, commissioner for erecting magazine ....300.
Hardwicke, collectors and assessors for 70; 167; 244; 343; 398;
mentioned ....91; 259; 260.
Harn, John, surveyor for York district 91;
commissioner for Great Ogechee ....205.
Harralson, Paul, account of ....407.
Harriott, James, appointed packer and inspector ....798.
Harris, Francis, commissioner for issuing paper bills of credit..50;
....439;
surveyor for southwest district 89;
commissioner for Savannah 205;
for building churches 264;
trustee for purchasing house for Governors 390;
commissioner for erecting fort 413;
member committee to correspond with Wm. Knox 482;
appointed trustee 570; 571;
commissioner of roads ....724.
Harris, Joseph, appointed packer and inspector ....798.
Harris, William, collector and assessor for Sapelo and Darien..244.
Hastings, Samuel, mentioned ....185; 205; 260; 505; 583; 584.
Highgate, mentioned ....90; 724.
Horses, see Cattle.
Horse Creek, mentioned ....259.
Horton, Nicholas, slaves of exempted from working on roads..720.
Houstoun, James, collector for Sea Islands ....70.
Houston, Sir Patrick, surveyor for southern district 90;
mentioned 183;
commissioner for Savannah 205;
for erecting fort 413;
for building guard house 641;
for issuing certificates ....646.
Hudson, Robert, surveyor for third northwest district 185;
commissioner for Ebenezer 205;
of roads ....721.
Hudson, Samuel, surveyor for third northwest district ....185.
Hutchinson's Island, mentioned ....720; 724.

I

Indians, mentioned 25;
sale of spirituous liquors to, forbidden 223;
act to prevent private persons purchasing lands from, and trading with, without license, approved Feb. 15, 1758, 247;
contracts, when void 248;
amendatory act, passed Dec. 6, 1759 .....359;
act to prevent trespasses on lands of 588;
amendatory act, approved Mch. 25, 1765 .....703.
See also Cherokees and Creeks.
Insurrection and invasion, **See Militia and Slaves.**
Interest of money limited, act approved Mch. 7, 1755 .....86.
Interest of money, act reducing, approved Mch. 27, 1759 ....335;
rate of interest to be 8% 336;
offenders, how punished .....337.
Invalidating laws, **see Laws.**
Inventories, act directing executors and administrators in manner and method of returning, approved Feb. 29, 1764 .....599.
Irewin, William, commissioner for building churches .....499.

J

Jackson, James, commissioner for building churches 499;
for building forts and barracks 641;
of roads .....722.
Jagger, John, commissioner for Great Ogechee 205;
collector and assessor for Hardwick and St. Philip .....343.
Jeans, Samuel, collector and assessor for St. John .....398.
Jekyl Island added to St. James parish .....690.
Jervey, David, appointed culler and inspector of lumber .....798.
Johnston, James, allowed salary as printer 489;
salary to be paid yearly 490;
duties of 490;
authorised to print and sell laws for own benefit, when, 492;
commissioners to give certificate of his having complied with requirements 492;
printer not entitled to sum granted without producing certificate .....493.
Johnson, Lewis, commissioner for erecting magazine 300;
for erecting fort and battery 475;
member committee to correspond with Wm. Knox.....483;
....537; 582;
commissioner to have laws printed 492;
for regulating pilots and pilotage 516;
for issuing certificates .....645.
Jones, Inigo, commissioner of roads .....728.
Jones, Noble, surveyor for southeast district 90;

commissioner for Savannah 205;
for fixing rates 280;
for erecting magazine 300;
account of 349;
trustee for purchasing house for Governors 390;
commissioner for erecting fort 413;
for executing act for defense of Savannah 423;
for erecting lookout and battery 475;
member of committee to correspond with Wm. Knox, ...482; 537; 582;
commissioner for having laws printed 492;
appointed trustee 570; 571;
commissioner to issue certificates 645; 745;
of roads 728;
for executing act .....793.
Jones, Noble Wimberly, collector for Sea Islands 70;
appointed surveyor 184;
commissioner for Savannah 205;
superintendent of watch 213;
commissioner for building churches 264;
member committee to correspond with Wm. Knox, 483;
member committee to correspond with Wm. Knox, ...483; 537; 582;
Jones, Samuel, surveyor for St. Andrew 585;
commissioner of roads .....726.
Jurors, act declaring and establishing method of drawing and summoning, approved Dec. 13, 1756 .....144;
description of boxes used for names of persons qualified to serve as 145;
division of boxes 146;
method of drawing 146;
time of drawing jury to serve at courts of Oyer and Terminer, 148;
number of persons to compose grand and petit juries....149;
fresh ballot to be taken in every case.....149;
same method observed in drawing jurors to serve in general court 150;
names to be entered in court books, etc.....150;
when to be drawn.....151;
balloting in general court same as courts Oyer and Terminer 151;
provost marshal to make returns of writ venire facias.....151;
clerk to make entry of appearance of jurors.....152;
jurors, how summoned.....153;
keys to jury box.....153;
papers containing names of persons dying or departing province to be destroyed.....154;
justices to make returns annually of persons qualified to serve.....154;
sufficient number jurors not appearing.....155;
persons concerned in drawing of jurors to be sworn.....155;
manner of striking special juries.....155;
first jury, when drawn.....156;

fines and forfeitures, how applied....156;
persons exempted from serving as jurors....156;
what number of persons deficient in English language may be on panel or sworn on petit jury....157;
act to explain and amend act establishing method of drawing and summoning jurors, approved Feb. 8, 1757....171;
coroner and justices where courts are held to assist in execution of act....172.
See also act for holding special courts....362; 539;
and act for recovery of small debts, etc....372; 501.

K.

Keaton, Edward, commissioner of roads....722
Keiffer, David, surveyor for southern district.... 90;
commissioner of roads....728;
Keiffer, Theobald, surveyor for second northwest district....89; 721;
collector and assessor for Ebenezer....167;
commissioner for Ebenezer....205;
collector and assessor for Ebenezer and St. Mathew....398.
Kennedy, John, collector and assessor for Halifax....244;
commissioner for erecting forts....413.
Kitt, John, collector and assessor for Halifax and St. George....398;
commissioner for erecting fort....413.
Knox, William, commissioner for Savannah....205;
for building churches....264;
for erecting forts....413;
for executing act for better defense of Savannah....423.
appointed agent to solicit affairs of this province in Great Britain....481; 536;
to receive instructions from General Assembly....482;
committee appointed to correspond with....483; 537; 582;
agent for one year....483;
appointed trustee....570; 571;
reappointed agent in Great Britain....580.
Kuffer, **see Keiffer.**

L.

Lambart, Andrew, commissioner of roads....722.
Lambol's Creek, mentioned....259.
Land, no equity on lands sold by commissioners.... 55;
tax on....66; 241; 338; 393;
land of non-residents forfeited, when.... 71;
act for confirming sales of, by attorneys or agents, approved Feb. 8, 1757....161;
sales of lands already made by attorneys or agents valid in law....161;

sales of land, when effectual in law....162;
sales to be made and executed, when....163;
assignments of, when void....169;
act to prevent private persons purchasing lands from Indians....247; 359; 703;
commissioners to take up lands for churches....263;
act limiting time for persons claiming land, approved March 15, 1758....272;
applicants appear before Governor and Council to make proof....273;
time limit for taking out grants after claim is proven....274;
failure of time limit ever afterwards excluded and land reverts to his Majesty....274;
right of persons under age and non compos mentis....275;
persons resident in this or province of South Carolina, limit for submitting claims....275;
act establishing and confirming titles to land, approved Nov. 24, 1759....357;
how confirmed....358;
acts relative to....417; 627; 743; 802;
act to empower general court of pleas to grant writs of partition of lands and tenements held in coparcenary, etc., approved March 26, 1767....810;
partition of land held in coparcenary, etc., how obtained..811;
notice of application....811;
writs shall issue to eleven partitioners....811;
to be sworn....812;
and make divisions....812;
return same in three months under seals....812;
which shall be judgment of court....812;
twelve months given to move to set aside partition....812;
new partition may be awarded....813;
compensation of partitioners....813;
to be awarded by court....813;
Lands, his Majestys, act to prevent trespasses on, approved Feb. 29, 1764....588;
to prevent frauds and abuses, approved March 5, 1765....624;
chain carriers sworn....624;
deputy surveyors sworn....625;
oath administered....625;
bond and security....625;
instructions recorded in office of Secretary....625;
fraudulent surveys, how punished....626.
Lane, Henry account of....349;
Laws, act inflicting penalty upon persons invalidating, approved Feb. 17, 1755....64;
penalty for first offense....65;
penalty for second offense....65;
forfeitures, how disposed of....65;
act making provision for printing, approved March 4, 1762, 488;

all laws of province to be printed.....489;
number of laws to be printed for use of public officers....491;
no person entitled to more than one set of laws.....491;
James Johnston authorized to print and sell laws for own benefit, when 492;
commissioners appointed.....492;
four commissioners deemed quorum.....492;
commissioners to give printer certificate of his having complied with requirements.....492;
vacancies, how filled.....493;
printer not entitled to sum granted until certificate is produced493;
act to extend and enforce certain laws, approved March 25, 1765 .....689;
laws in force.....689.
Law suits, act for avoiding, approved March 26, 1767.....802.
Lazaretto, see Tybee.
Lee, Thomas, account of.....407;
appointed packer and inspector.....797.
Lewis, Evan, commissioner of roads.....722.
Lewis, Samuel, collector and assessor for St. Andrew.....343.
Light house on Tybee Island, act for repairing and building, approved March 7, 1755..... 75;
masters of vessels shall pay into public treasury sums designated..... 76;
continuation of act.....296; 622;
additional sums appropriated for....308; 310; 311; 486; 487;
act to repair and secure foundation of, approved March 27, 1759.....308; 350;
commissioners named.....351;
forfeitures applied towards keeping in repair.....520;
act raising fund to defray expenses of repairing and rebuilding, approved March 25, 1765.....636.
Limitation of actions, see Actions.
Lines, Isaac, collector and assessor for Midway and Newport....167.
Little Ogechee, collectors and assessors for.....70; 167; 244.
Little Ogechee River, mentioned.....723; 724.
Little River, mentioned.....185; 722.
Little Satilla River, mentioned,.....690.
Lotteries, act to suppress, approved Feb. 29, 1764.....608;
penalty for erecting.....608;
sales of all property declared void.....609;
everything set up shall be forfeited.....609;
bonds, bills, etc., given to secure gaming debts, void.....610;
money lost at gaming, how recovered.....611; 708;
gamesters suit to recover money won by gaming compelled to discover amount under oath.....613;
winning by fraudulent practice shall forfeit four fold....613;
persons fighting account of gaming forfeit £20 and be imprisoned.....614;
tavern keepers suffering gaming liable to fine.....615; 710;

apprentices, overseers, liable to fine and imprisonment....616;
duty and power of justice in execution of act.....616;
competent witnesses.....617;
justices may break open doors.....618;
appeal allowed to general court.....618;
limit of act.....619;
additional act, approved March 25, 1765.....708;
recovery, limit for.....709;
when other persons may recover and sue.....710;
sellers of spirituous liquors not to allow gaming in their houses.....710.
Love, James, balance due.....349.
Loyer, Adrian, account of.....406.
Lumber, act to prevent frauds in the making of, approved May 1, 1760.....430;
lumber intended for exportation, dimensions of.....430;
shingles, dimensions of.....431;
unmerchantable lumber.....431;
squared timber.....431;
measurement of.....431;
disputes, how settled.....431;
party against whom judgment is given to pay costs.....432;
persons prosecuted may plead general issue.....432;
ordinance appointing cullers and inspectors of.....797.
Lupton, John, surveyor for Midway.....91;
commissioner for Midway.....206;
account of.....407;
commissioner of roads.....725.

M.

Macartan, Francis, commissioner for building churches.....499;
for building forts and barracks.....641.
MacCarthy, Cornelius, account of.....406.
Mackay, James, surveyor for York district.....91;
commissioner for Great Ogechee.....205;
for building churches.....264;
for erecting fort.....413.
Mackay, Patrick, collector for Abercorn and Goshen.....69.
Mackbeen's Swamp, mentioned.....259; 721; 722.
Mackintosh, George, surveyor for St. Andrew.....585;
commissioner of roads.....726.
Mackintosh, John, account for taking up negroes.....350.
Mackintosh, John, (B) collector for Sapelo and Darien.....70;
surveyor for most southern district.....92;
collector and assessor for St. Andrew.....399;
commissioner for erecting fort.....413.
Mackintosh, John (M) collector for Sapelo and Darien.....70;
commissioner for Darien.....206;
for erecting fort.....413.

Mackintosh, Lachlan, collector and assessor for St. Andrew.....399;
commissioner for erecting fort.....413;
surveyor for St. Andrew.....585;
commissioner for building barracks.....641;
of roads.....726.
Mackintosh, Roderick, surveyor for most southern district..... 92;
commissioner for Darien 206;
for erecting fort.....413.
Mackintosh, William, surveyor for most southern district..... 92;
commissioner for erecting fort.....413;
surveyor for St. Andrew.....585.
Magazine, **see Public Defense and Forts.**
Majesty, his, granted duty on sundry articles.....420; 691;
granted duty to defray certain expenses 66; 164; 240; 337; 392; 640; 743;
Manuel, David, surveyor for third northwest district.....185;
Marcer, Samuel, collector and assessor for Savannah.....167.
Mariners, **see Seamen.**
Marshall, Matthew, account of.....407.
Martyn, Benjamin, mentioned.....482.
Martin, Clement, commissioner for issuing bills of credit.....50; 439;
collector for Ebenezer..... 69;
member committee to correspond witn Wm. Knox.....582;
commissioner of roads.....720; 721.
Mauve, Matthew, commissioner of roads.....723.
Maxton, Andrew, commissioner of roads.....726.
Maxwell, Audley, collector for Midway and Newport..... 70;
commissioner for Midway.....205.
Maxwell, James, collector for Great and Little Ogechee..... 70;
commissioner for Great Ogechee.....205;
for erecting fort.....413.
Maxwell, James, Sr., commissioner for erecting lookout and battery 475;
for regulating pilots and pilotage.....516.
Maxwell, James, Jr., commissioner for erecting lookout and battery 475;
commissioner of roads.....724.
Maxwell, Thomas, surveyor for St. Johns.....507;
commissioner of roads.....725.
McBean's Swamp, mentioned.....259; 721; 722.
McCarthy, Cornelius, account of.....406.
McCarthy & Blyth, account of.....407.
McCartin, Francis, commissioner for building forts.....413.
McClean, John, commissioner of roads.....724.
McClellan, John, commissioner of roads.....726.
McCulloch, John, commissioner of roads.....726.
McCurry, Andrew, commissioner of roads.....721.
McDonald, Alexander, assessor and collector for Sapelo and Darien.....168; 244;
commissioner for Darien.....206.
McDonald, William, surveyor for third northwest district..... 89.

McGillivray, Laughlin, collector and assessor for Augusta and Halifax....167;
commissioner for Augusta....205;
for erecting fort....413;
member committee to correspond with Wm. Knox...537; 582;
commissioner of roads....720.
McIntosh, see **Mackintosh**.
McKay, James, commissioner of roads....724.
Medway, see **Midway**.
Mercer, Samuel, surveyor for southeast district.... 90;
collector and assessor for Savannah....167.
Meyers, John Ludwig, collector for Ebenezer.... 69;
for Ebenezer and St. Matthew....398;
commissioner for erecting fort....413.
Meyer, Ludwig, surveyor for second northwest district.... 89;
commissioner for Ebenezer....205.
Midway, collectors and assessors for....70; 167; 244;
district described and surveyors appointed.... 91;
mentioned....185; 260; 583;
commissioners for....205.
Midway River, mentioned....91; 205; 260;
act for erecting lookout and battery on....472;
commissioners for....516;
forfeitures applied towards repairing lookout and battery on....520.
Militia, act regulating, approved Jan. 24, 1755.... 7;
persons liable....7; 11;
regiments, when formed.... 8;
division of companies.... 8;
forming battalions.... 9;
penalty on officers neglecting duty.... 10;
companies mustered not exceeding six times a year.... 10;
no person obliged to go out of his division for general muster 10;
how each person shall be armed.... 11;
fines for not appearing completely armed.... 12;
officers to visit houses to inspect arms.... 12;
mustering on special occasions.... 13;
troops of horse to be formed.... 14;
how troops are clothed and fed.... 14;
horse troops to attend Governor when required.... 16;
penalty for non-appearance.... 16;
persons resident three months liable to serve.... 16;
persons exempted.... 17;
relation of servants or apprentices.... 18;
time given freed servants to provide arms.... 19;
no process to be served on persons going or returning from musters 19;
penalty for disobedience to officers.... 20;
additional regulations.... 21

persons removing from one district to another..... 21;
in times of invasion or insurrection..... 22;
promulgating alarms..... 23;
penalty for disobedience in times of alarm..... 24;
pirates, sea rovers, Indians, fugitive slaves, how suppressed 25;
patrols in times of invasion..... 26;
persons ordered out of their divisions in time of insurrection 27;
substitutes..... 28;
property may be impressed in times of alarm..... 29;
impressed provisions and ammunition made secure..... 30;
fines imposed in times of invasion..... 31;
captains may appoint sergeants in companies..... 32;
offenses, by whom to be examined and tried..... 32;
form of warrant..... 33;
particular summons for defaulters..... 35;
fines and forfeitures, how applied..... 36;
warrants and precepts, how executed..... 37;
persons neglecting to execute warrants, how punished.... 37;
in what district to muster..... 38;
list of male slaves furnished by owners to captains, how disposed of..... 38;
faithful slaves to be enlisted..... 39;
slaves in time of invasion..... 40;
slaves, when incorporated with militia..... 40;
slaves, compensation for, wounded or killed in service.... 41;
slaves and servants, loyalty of.....42; 44;
slaves, penalty for not furnishing list of..... 45;
persons sued may plead general issue..... 46;
fines, publication of..... 47;
duration of act..... 47;
amendatory act, approved March 15, 1758.....249;
times for mustering and penalty for neglect.....250;
field officers to determine times and places for muster....251;
further continuance of former act and continuance of this act.. .. ..251; 619;
captains of troops of horse and companies of militia to have act preventing stealing horses and neat cattle read..326;
act for defraying expenses of.....392;
act for more effectual putting in force militia act approved April 24, 1760.....426;
guard and patrol duty, by whom performed.....427;
officers to be appointed to command guards.....428;
penalty on officers and others neglecting duty.....428;
fines and forfeitures, how recovered and applied..... 428.
See also Patrols and Public Defense.

Milledge, John, surveyor for southwest district..... 88;
collector and assessor for Sea Islands.....169;
commissioner for fixing rates.....280;
for erecting fort and battery.....475;
member committee to correspond with Wm. Knox...537; 582;

commissioner for building guard house....641;
of roads....724.
Milledge, Richard, superintendent of watch....213.
Miller, Nathanial, commissioner for erecting fort....413;
commissioner of roads....722.
Miller, Samuel, commissioner for regulating pilots and pilotage..516.
Moor, William, collector and assessor for Ebenezer and St. Matthew 343.
Montaigut, David, collector and assessor for Ebenezer....167;
commissioner for Savannah....205;
for building churches....264;
for repairing light house....351;
for erecting fort....413;
of roads....719.
Morell, John, collector and assessor for Abercorn and Goshen. 167; 244;
appointed surveyor....184;
superintendent of watch....213;
account of....349;
commissioner for erecting fort....413;
for regulating pilots and pilotage....516;
for ordering and caring for work house for negroes....558.
Morgan, Thomas, commissioner of roads....721;
mentioned....721.
Morrison, Hugh, collector and assessor for St. Andrew....343.
Mortgages, when bad, how to secure....57; 448;
how discharged....58;
to be taken in short form....59; 449;
when registered....78;
when void....169;
act for preventing fraudulent mortgages and conveyances, approved April 7, 1763....533;
recorded in Secretary's office deemed valid in court....533;
proviso....534.
See Deeds.
Mount Pleasant, mentioned....260.
Mulryne, John, commissioner of roads....728.
Murray, David, mentioned....724; 728.
Musgrove's Creek, mentioned....88; 457; 719; 720; 724.
Mussell, William, commissioner to execute act for better defense of Savannah....423.
Myers, see Meyer.

N.

Navigation, See Rivers.
Negroes, act for regulating workhouse for custody and punishment of, approved April 7, 1763....558;
commissioners appointed....558;
how chosen....558;
penalty for refusal to serve....558;
appointment of master....559;

commissioners determine fees....559;
asters empowered ro employ and punish 559;
profits arising, how disposed of....560;
runaway negroes....560;
slaves whose masters are unknown....560;
slaves to be advertised 561;
wardens responsible for escape....561;
food furnished at expense of owner 561;
compensation for persons apprehending....562;
warden to keep record of names....562;
warden's fees....562;
negroes sold when owners refuse to pay fees....563;
slaves not claimed to be sold....563;
sale must be advertised....564;
negroes committed for criminal offense 564;
punishment of incorrigible slaves 565;
warden's fees 565;
vacancy in commission, how supplied 565;
burial ground for 569;
amendatory act, approved March 26, 1767....799.
See also Slaves.

Nesmith, James, commissioner of roads....721
Newberry, William, surveyor for third northwest district ....89.
Newington Road, mentioned....721;
established....723.
Newport, collectors and assessors for....70; 167; 244;
mentioned....205; 260.
Newport River, mentioned....91; 206; 506; 584; 725.
Nongazer, Henry, commissioner of roads....728.
Non-residents, lands of, when forfeited....71;
debts due by, how recovered....172; 343.
North west division described....88; 185; 720.
Northwest division, second, third and fourth described, 89; 185; 720; 721; 722.

O.

Oath, act for ease of dissenting Protestants who may be scrupulous of taking, adopted Dec. 13, 1756....157;
affirmation to be as valid as an oath....158;
persons falsely affirming, penalty for....158.
Ossaba Inlet, mentioned....205.
Ossabaw Islands, mentioned....260.
Ottolenghe, Joseph, collector and assessor for Savannah....69; 244;
surveyor for Savannah....184;
commissioner for Savannah....205;
for fixing rates....280;
collector and assessor for Savannah and Christ Church.343; 398;
trustee to purchase house for Governors....390;

commissioner for erecting fort....413;
for executing act regulating Savannah....459;
member committee to correspond with Wm. Knox, 483; 537; 582;
commissioner for having laws printed....492;
for ordering and caring for work house for negroes....558;
for building court house....578.
Outerbridge, Lieut. White, commissioner for Augusta....205.
Oyer and Terminer, courts of, act for raising sum of money to defray
expenses of holding, approved Feb. 21, 1755.... 66;
approved Feb. 8, 1757....164;
approved July 28, 1757....240;
approved March 27, 1759....337;
approved April 24, 1760....392;
expenses, how paid....66; 164;
traders over-rated may swear off..67; 165; 242; 339; 394;
town houses and lots, how rated....67; 165; 242; 394;
returns, date of....68; 166; 242; 339; 395;
oath....68; 166; 243; 340; 345; 396; 402;
collectors to levy by distress on goods of defaulters 68; 166; 243; 397;
constables and collectors' fees....69; 167; 243; 342; 347; 404;
collectors named....69; 167; 243; 343; 398;
attorneys or trustees of absentees liable as owners 70; 168; 244; 399;
lands of non-residents, when forfeited.... 71;
tax, date of payment of....72; 169; 245; 344; 401;
money, how issued....72; 170; 246; 348;
time of drawing of jury to serve at....148;
balloting in general court same as....151;
deeds made to avoid being assessed declared void 169; 246; 346; 402;
penalty on officers neglecting duty, 170; 246; 341; 342; 348; 396; 398; 404; 405;
levy on negroes and land....241; 338; 393; 394;
levy on money at interest or trade....241; 338; 394;
executions may be issued....242; 395;
continuance of act....247; 350; 408;
mentioned....333;
collectors and assessors to advertise place of meeting....340;
powers of....340; 342;
directions to....340;
fines on persons neglecting to return tax....341; 396;
how applied....341; 396;
fines and taxes, how recovered....342;
recovery of taxes of non-residents....343;
persons paying tax of absentees.... 344; 399;
timber sold or land leased for payment of tax of non-residents....344; 400;
time and manner of closing accounts....345; 401;
collectors and assessors to pay tax....345; 402;

deficiency in last tax....346; 403;
how to be recovered....347; 403;
oath administered delinquents....347; 403;
list of defaulters to be made....348; 404;
Attorney General to prosecute....348; 404;
persons neglecting or refusing to pay tax....397; 404;
persons holding lands or slaves in South Carolina....400;
penalty on persons refusing to produce voucher....401;
treasurer to issue public money....405;
estimate of public expenses....405;
treasurer to lay accounts before Assembly....408;

P.

Palmer, Thomas, account for pilot's house....350.
Paper bills of credit, act authorizing, approved Feb. 17, 1755.... 48;
approved July 28, 1757....235;
approved Mch 27, 1759....308;
approved May 1, 1760....435;
amounts stipulated....48; 237; 309;
tenor of bills.... 50;
commissioners appointed and their authority....50; 439;
bonds of....51; 440;
oath of....52; 440;
tender in law....52; 441;
interest rate fixed....53; 441;
persons neglecting to pay interest....54; 445;
no equity on lands sold.... 55;
overplus returned to mortgagors....55; 446;
title of officers and commissioners.... 56;
title and value of effects mortgaged to be examined....56; 447;
collecting payment when security is bad....57; 448;
persons making payment, how released....58; 448;
money, how re-let....58; 442;
mortgage, form of....59; 449;
commissioners to keep office....60; 450;
fees of....60; 451;
provision for sinking bills....61; 442;
counterfeiters, death penalty for....61; 451;
persons sued may plead general issue....62; 453;
General Assembly to direct issue of.... 63;
act suspended until his Majesty's approval..63; 239; 312; 454;
treasurer to apply in discharge of debts....237; 309;
disposition of interest....238; 310; 311; 442;
to be applied in exchange of defaced, obliterated bills.239; 452;
commissioners and others accountable to General Assembly....312; 440;
acts relative to....420; 640; 743;
penalty for violating act....454.
Paris, James, commissioner for building churches....499.
Parishes, act constituting and dividing districts and divisions into

parishes for religious worship, approved Mch. 15, 1758 ..258;
parishes named and described.....259; 260;
rector of Christ Church named.....261;
parish church of St. Paul.....261;
commissioners authorized to build habitation for rector in each parish.....262;
location of churches.....263;
commissioners empowered to take up land for sites.....263;
commissioners named.....264;
vacancies, how filled.....264;
church wardens and vestrymen, how chosen.....265; 266;
oath of.....266; 267;
church warden dying, vestry may choose another.....267;
sums necessary for repairs to be raised.....267;
sextons appointed and fees settled.....269;
fees of clerks.....269;
clerks appointed by rectors.....270;
book of record.....270;
every entry deemed authentic record.....271;
persons making false entry.....271;
each vestry to appoint clerk.....271;
no minister to exercise ecclesiastical jurisdiction.....271;
amendatory act, approved April 7, 1765.....568;
cemetery of Christ Church enlarged.....568;
burial ground for negroes.....569;
territory divided.....690;
new parished named.....690;
Jekyl Island added to St. James.....690;
act relative to.....726;
Parker, Mrs. Ann, mentioned.....90; 186.
Parker, Henry, surveyor for southeast district.....90.
Patrols, act establishing and regulating, approved July 28, 1757.225;
districts established and officers named.....225;
fine for neglect of official duty.....226;
public announcement of districts.....226;
patrol lists.....227;
duties of masters.....227;
commander may fix terms.....228;
on failure to be recovered by distress warrant.....229;
commanders of Savannah.....229;
persons excepted.....230;
company patrol.....230;
arms for patrolmen.....231;
power and duty of patrol.....232;
patrol authorized to search disorderly houses.....233;
patrolmen drunk on duty.....233;
commanders fined for neglect.....234;
age limit for service.....234;
persons sued may plead general issue.....235;
duration of act.....235;

amendatory act, approved May 1, 1760....462;
patrol officers refusing to take command....463;
accepting command and not doing duty....463;
forfeitures, how levied and applied....463;
continuation of act....463.
Perkins, John, collector and assessor for Frederica....70; 168; 244.
Petticrew, John, collector and assessor for Augusta and St. Paul..398.
Piles, Samuel, collector and assessor for Frederica and St. James..399.
Pilots and pilotage, see Vessels.
Pipe Maker's Creek, mentioned....88; 723.
Pitch, act to prevent fraud in selling....774.
Polson, John, commissioner for building barracks....641.
Pork, act to prevent fraud in selling....774.
Powell, James Edward, collector and assessor for Savannah.... 69;
commissioner for Savannah....205;
for building churches....264;
for erecting fort....413;
for issuing paper bills of credit....439;
for erecting fort and battery....475;
member committee to correspond with Wm. Knox..482; 537;582;
commissioner for building guard house....641
Prefatory note.... 3
Price, John, collector and assessor for Frederica....244
for Frederica and St. James....343
Prisons, act for erecting....588
Provisions, act to prevent enemy being supplied with....197
Pruniere, Joseph, appointed packer and inspector....797
Pryce, Charles, commissioner of roads....728.
Public defense, act for raising store of gun powder for, approved Dec. 14, 1756....159;
commanders of vessels to deliver powder in proportions to tunnage of vessels....160;
act for security and defense of province, approved July 19, 1757....202;
commissioners empowered to construct log forts....203;
persons liable to work on forts....203;
constables to levy forfeiture on persons liable and refusing to work....203;204;
commissioners named....204; 205; 206;
work, how directed....206;
time of meeting of commissioners....206;
commissioners to appoint persons to summons those liable to work....207;
persons exempt from working....207; 210;
overseers appointed and duties specified....208;
commissioners fined for neglecting duty....209;
vacancies, how filled....209;
cutting timber, how provided for....210;
per capita levy collected by commissioners....211;
amendatory act for security and defense of province, ap-

proved Mch. 15, 1758....252;
persons liable to tax....253;
collectors to be appointed....254;
persons liable to tax to give account under oath....254;
in case of default same levied by distress....255;
persons without goods or chattels refusing to pay may be sent to goal....255;
penalty on collectors....256;
collectors refusing to collect....256;
commissioners neglecting duty....257;
act for erecting public magazine, approved Mch. 27, 1759....299; 308;
magazine to be built near Savannah....300;
commissioners appointed....300;
refusing or neglecting to act fined....301;
merchants and others not to keep above 50 pounds powder....301;
amount above 50 pounds lodged in magazine....301;
powder receiver, how paid....301;
expense building magazine paid, remainder used to purchase gun powder....301;
powder delivered out of magazine for public service....302;
penalties and forfeitures, how applied....302;
powder receiver to turn every barrel of powder monthly....302;
£100 appropriated for building magazine....303;
act relative to....420;
act for erecting fort and battery on Cockspur and lookout and battery on Midway, approved Dec. 19, 1761....472;
commissioners named....473; 475;
powers of commissioners....473;
expenses for erecting same....474;
number of commissioners to constitute board....475;
Governor to give orders and directions....475;
commissioners refusing to act to be fined....476;
fines, how applied....476;
persons damaging or destroying material fined....476;
non-payment of fine offenders committed to goal....477;
slaves, how punished....477;
act to be advertised....478;
commissioners to render account to General Assembly....478;
act for building fort and barracks, approved Mch. 25, 1765, 639:
See also Forts, Militia and Patrol.

Public roads, **see Roads.**

Public worship, **see Sunday.**

Q.

Quarantine, act to oblige ships from infected districts to perform, approved April 24, 1760....365;
when performed....366;
subject to orders of Governor and Council....367;

penalty for violation....367;
reward for informers....367;
passengers offending....368;
persons performing quarantine without license....368;
officers may seize boats, etc....369;
penalty on officers offending against act....369;
after quarantine performed, ship not liable to further restraint....369;
goods on ships performing quarantine to be aired....370;
authority of Governor and Council....370;
power of persons appointed by Governor to execute orders.371;
penalty for not executing orders....371;
pilots to make strict inquiry if contagious distempers be on board....544;
captains or commanders to make oath as to health of vessels.545;
fees for administering oath....545;
upon satisfactory account vessel allowed to enter....546;
on arrival at Sunbury captains to wait on collector and naval officer....546;
masters of vessels refusing to answer questions....546;
vessels found with epidemical distempers must perform quarantine....547;
commander of fort or battery must give notice....547;
doctor to visit and report....547;
persons giving false account....547;
fines, how applied....548;
vessels coming in without pilot to be stopped....548;
penalties for refusal to be sworn....548;
penalties fixed for vessels attempting to pass without leave.548;
no vessel to pass without Governor's passport....549;
penalty for pilots or commanding officers refusing or neglecting....549;
church wardens to procure lodging for sick....549;
expenses, how defrayed....549;
masters to give bond....550;
securities liable....550;
captains of ships of war to give security....550;
housekeepers to give notice of sick sailors....551;
penalty for failure....551;
master's penalty for failure to observe....551;
persons prosecuted may plead general issue....551;
continuation of act....552;
act to prevent bringing into and spreading of malignant and contagious distempers, etc., approved Mch. 26, 1767..814.
Quarterman, John, Sr., surveyor for Midway.... 91.
Quarterman, Thomas, commissioner of roads....725.

R.

Rae, John, collector and assessor for Augusta.... 70;
surveyor for fourth northwest district....185;

commissioner for Augusta....205;
collector and assessor for Augusta and St. Paul....343;
commissioner for erecting fort....413;
for having laws printed....492;
for building churches....499;
for building forts and barracks....641.
Rasberry, Thomas, commissioner for executing act establishing market in Savannah.... 84;
collector and assessor for Savannah....167;
superintendent of watch....213;
commissioner for building churches....264;
for fixing rates....280;
collector and assessor for Savannah and Christ Church....343;
commissioner for erecting fort....413.
Read, James, commissioner for erecting fort and battery....475;
member committee to correspond with Wm. Knox 483; 537; 582;
commissioner for regulating pilots and pilotage....516;
commissioner of roads....724.
Read, Thomas, commissioner of roads....721.
Red, Thomas, surveyor for third northwest district.... 89;
for fourth northwest district....185.
Register of grants, salary of....405.
Reidlesperger, Christian, surveyor for second northwest district.. 89.
Religious worship, **See Parishes and Sunday.**
Rivers and creeks, act keeping clear channels of, approved Apr. 7, 1763....552; 566;
masters of vessels not to throw rubbish in channels....553;
justices to issue warrants....554;
persons convicted, how punished....554;
penalties, how recovered....554;555;
owners of wharves not to throw ballast in navigable streams 556;
persons obstructing streams must clear....556;
punishment for neglect or refusal....556; 557;
act limited....557;
persons obstructing, how treated....567;
amendatory act, approved Mch. 25, 1765....712;
rubbish, how to be removed....713;
offenders shall forfeit....714;
chief justice or assistant to take cognizance and order court for trial....715;
how far cognizable by justice of peace....716;
fines and forfeitures....716;
act to improve....794.
Roads, public, act empowering surveyors to lay out, approved Mch. 7, 1755.... 87;
to lay out high roads and establish ferries.... 88;
surveyors named for northwest district.... 88;
second and third northwest districts described and surveyors named.... 89;
southwest district described and surveyors named.... 89;

southeast and southern districts described and surveyors named.... 90;
York and Midway district described and surveyors named 91;
most southern district described and surveyors named.... 91;
surveyors to assess inhabitants for mending roads.. ..... 92;
penalty for neglecting to find personal labor..... 92;
building bridges 93;
summoning persons liable to labor..... 93;
building bridge between two district..... 94;
forfeit for refusal to obey summons..... 94;
overseers, duty of..... 95;
penalty for damage to roads..... 95;
width of roads..... 96;
penalty for cutting down shade trees..... 97;
penalty for neglecting duty while surveyor..... 97;
penalty for hindering surveyor..... 97;
surveyors, time and place of meeting..... 98;
surveyors, Governor may appoint..... 99;
surveyors accountable to Governor and Council..... 99;
may divide districts..... 99;
authority of.....99; 100;
may establish ferries.....100;
may lay out other public roads.....100;
limit for working on public roads.....101;
duration of act.....101;
act explaining and amending act, approved Feb. 8, 1757..182;
persons liable to work.....182;
persons liable to clear town and common of Savannah....183;
fines, disposition of.....184;
division of northwest district.....185;
surveyors.....185;
duty of inhabitants of Midway, Darien and Great Ogechee.185;
persons liable to work southeast and southern districts....186;
exemptions.....186;
surveyors may resign and board may appoint.....186;
one surveyor in each district.....187;
persons sued may plead general issue.....187;
authority and powers of surveyors.....187;
duration of act.....188;
act and amendatory act continued.....297; 621;
act to empower surveyors in parish St. John to lay out road from Sunbury to join south west road, approved Mch. 4, 1762.....505;
to be kept in repair by inhabi ants of St. John.....506;
inhabitants of islands liable to work under penalty.....506;
two additional commissioners appointed.....507;
same penalties and same powers as other surveyors.....507;
act limited.....507;
amendatory act, approved Feb. 29, 1764.....583;
act approved Mch. 6, 1766.....717;

surveyors to lay out, clear and repair.....717;
amendatory act, approved Mch. 26, 1767.....794.
Rochester, road and ferry established at.....764.
Russell, William, collector for Savannah..... 69;
commissioner to execute act establishing market in Savannah 84;
superintendent of watch.....213;
commissioner for building churches.....264;
for executing act for better defense of Savannah.....423;
for executing act better regulating Savannah.....459;
for regulating pilots and pilotage.....516.
Russell's plantation, mentioned.....723; 728.

S.

Sailors, sick act to prevent harbouring of, approved Apr. 7, 1763.543.
See also Quarantine and Vessels.
Sallens, Peter, commissioner of roads.....725.
Sapelo, collectors and assessors for.....70; 168; 244.
Sapelo Island, mentioned.....260.
Satilla River, mentioned.....690.
Savannah, mentioned....54; 90; 130; 182; 186; 229; 259; 260; 261; 278; 300; 334; 544; 546; 719; 723; 727;
collectors and assessors for.....69; 167; 244; 343; 398;
act for establishing town market in, approved Mch. 7, 1755 80;
Sundays excepted for sale..... 81;
hours fixed for sale..... 81;
terms of re-sale..... 82;
forfeit for bargaining for provisions before exposed for sale 82;
clerk of market to provide weights and measures..... 83;
penalty for buying with weights and measures under standard 83;
fees of clerk of market..... 83;
commissioners appointed..... 84;
unwholesome meat exposed to sale to be burnt..... 84;
provisions brought by water, how sold..... 85;
persons sued may plead general issue..... 85;
duration of act..... 85;
inhabitants to pay road tax..... 92;
town and common to be cleared.....182;
public wharf to be repaired.....184;
commissioners for.....204;
fort to be built at.....211;
act establishing watch in, approved July 19, 1757.....212;
age limit for watch duty.....212;
night watch 212;
times for service.....212;
slaves found abroad after certain hours.....213; 293;
fines, how imposed.....213;
superintendents to make lists of persons liable.....214;
commander report persons neglecting duty.....214;

record book of persons liable....215;
report of superintendents....216;
vacancies, how filled....216;
guard house....216;
continuation of act....217;
persons keeping tavern or retailing liquor in....219;
patrol service in....229;
act regulating watch in, approved Mch. 27, 1759....290;
superintendents of watch empowered to assess inhabitants.290;
time for meeting and penalty for non-attendance....291;
public buildings liable to be assessed....291;
amount assessed, how paid....291;
persons assessed refusing or neglecting to pay....292;
watchmen, how armed....292;
watchmen to observe orders of constable....292;
to enter disorderly houses suspected of harboring negroes .203;
to give alarm in case of fire....293;
if intoxicated to forfeit....294;
constables and watchmen to be paid....294;
persons discharging fire arms after sunset subject to fine..294;
offenders having no goods committed to goal....295;
constables and watchmen to make inquiry upon firing of gun....295;
offenders, how punished....295;
continuance of act....295;
magazine to be erected in or near....300;
church in, to be repaired....303;
act empowering commissioners to issue bills of credit to defray expenses of repairing church in, etc., approved Mch. 27, 1759....308;
amount stipulated....309;
treasurer to apply in discharge of debts....309;
method of sinking....310; 311;
commissioners and others accountable to General Assembly 312;
act suspended until royal approbation....312;
act to prevent building wooden chimneys in, approved Mch. 27, 1759....313;
material to build chimneys....314;
constables to execute warrants....314;
town to forfeit if chimney takes fire....315;
fire engine to be kept in order....315;
persons engaged to keep engine in order to furnish list of their names to captains of militia....315;
persons exempted from mustering at private musters....315;
persons neglecting duties to be fined....316;
church wardens and vestry to procure fire buckets and hooks 316;
expenses, how paid....316;
houses to be provided with ladder at owner's expense....317;
persons refusing to admit enquiry, liable to fine....317;
fines, how applied....317;

firemaster to be chosen yearly....318;
church wardens to inspect fire apparatus twice yearly....318;
act empowering trustees to purchase house in Savannah for use of Governors, approved Apr. 24, 1760....388;
act for better securing by erecting forts, approved Apr. 24, 1760....408;
act for better defense of, approved Apr. 24, 1760....420;
sum to be raised by general tax....421;
no more than one assessment made in year....421;
how disposed of....421;
commissioners authorized to imprint paper certificates....422;
tenor of same....422;
commissioners appointed for executing act....423;
to pay sum to treasurer....423;
treasurer to pay same, when....424;
to receive yearly certificates in payment....424;
to mark and deface certificates whose currency expires....424;
defaced certificates to be destroyed....424;
treasurer required to exchange any certificate....424;
persons counterfeiting certificates....425;
what torn certificates treasurer may receive....425;
commissioners to lay accounts before General Assembly....425;
amendatory act for better securing, approved June 4, 1760.433;
act for better regulating town of, and ascertaining commons, approved May 1, 1760....455;
encroachments or obstructions to be removed....456;
persons refusing to remove obstructions....456;
constables neglecting duty fined....457;
commons described....457;
persons encroaching fined....457;
public wells to be kept in repair....458;
slaughter houses prohibited....459;
commissioners for executing act....459;
amendatory act, approved June 9, 1761....479;
lots set apart to certain uses....480;
act to enable commissioners for regulating town of Savannah and for ascertaining commons thereunto belonging, to alien and convey portion of said common in exchange for other land, approved Mch. 4, 1762....526;
commissioners authorised to exchange....526;
exchanged property to become property of Sir James Wright 527;
other property attached to city common....528;
amendatory act for better regulating market in, approved Feb. 29, 1764....570;
trustees to let stalls....571;
money necessary, how supplied....572; 573;
forfeitures determined by justices....574;
duty of clerk....574;
meat killed in town or within mile of, to be sold in market.575;
market bell....576;

butchers must sell any quantity demanded.....576;
act read every six months.....577;
act to rebuild court house in, approved Feb. 29, 1764 .....577;
act for building guard house, in, approved Mch. 25, 1765 639;
act to rebuild court house in, approved Mch. 6, 1766.....743;
amendatory act for better regulating town and ascertaining commons, approved Mch. 6, 1766.....753;
beadle to be appointed.....754;
act authorising commissioners to exchange part of common, approved Mch. 6, 1766.....789;
ordinance for appointing packers and inspectors for, approved Mch. 26, 1767.....797.
Savannah River, mentioned, 88; 89; 185; 259; 457; 472; 720; 721; 764;
commissioners for.....516.
School house, rents from market to be applied to.....571;
money appropriated for building.....573.
Sea Islands, collectors and assessors for.....70; 168; 244;
mentioned.....90; 205; 259; 728;
Seamen or mariners, act to punish those neglecting or deserting duty on board ships or vessels, etc., approved Mch. 6, 1766 .780;
justices may apprehend and commit.....781;
charges to be paid out of wages.....782;
persons trusting seamen under contract.....782;
persons harboring shall forfeit.....782;
fines, how recovered and applied.....783;
tavern keepers offending.....783;
masters shall give certificates.....784;
fines, how recovered and applied.....784;
two justices may grant certificates.....784;
fees of.....784;
commanders hiring without certificates to forfeit.....784;
ferrymen transporting without certificate.....785;
continuation of act.....785.
Settling of the province, act for better, approved July 19, 1757....191;
persons protected from arrest for debt.....192;
estates, when liable for debt.....193;
persons suing foreign debtor.....194;
foreign debtors who become settlers.....194;
persons protected, how discharged.....195;
to give affidavit on arrival of number of slaves, etc 196;
affidavit to be registered.....196;
certificate admitted as evidence.....196;
act to encourage white tradesmen to settle in Georgia, approved Mch. 15, 1758.....277;
commissioners to rate price of tradesmen's work.....279;
tradesmen refusing to work at rated price.....279;
work to be advertised and if no tradesmen offer, slaves may be employed 279;
act not to debar employment of slaves at certain labor....280;
tradesmen owning only one slave may employ same.....280;

commissioners appointed 280;
forfeit for commissioners refusing to act..... 281;
Governor and Council to fill vacancies..... 281;
in what cases negroes may be employed..... 281;
fines and forfeitures, how recovered..... 282;
act for better strengthening and settling, approved Mch. 25, 1765..... 627;
grants, how made known and established..... 628;
grantees shall exhibit grants..... 630;
form of affidavit..... 630;
great seal of South Carolina annexed..... 631;
absent grantees expelled..... 632;
limit for recording grants..... 632;
grants declared void..... 633;
lands to be resurveyed..... 634;
grants, when void..... 635;
may be registered..... 635;
act suspended until royal approbation..... 636;
act for encouraging settlers to come into province, approved Mch. 6, 1766..... 743;
townships granted to families..... 744;
road to be laid out..... 744;
settlers exempted from certain taxes..... 744;
sum granted to defray expenses..... 744;
certificates to be issued..... 745;
commissioners appointed..... 745.
Shipping, act for raising impost on, approved Mch. 25, 1755 .... 77;
act continued..... 296; 622;
act approved Mch. 25, 1765..... 636.
Simpson, John, commissioner for erecting lookout and battery..475;
for regulating pilots and pilotage..... 516;
for building guard house..... 641.
Simpson, William, slaves of exempted from working on roads.... 720;
mentioned..... 724;
to exchange lands with commissioners for Savannah..... 789;
Skidoway Island, mentioned..... 90; 727.
Skidoway River, mentioned..... 90.
Slaves, acts relative to..... 7-47; 225; 277; 288; 293; 296; 477; 792;
tax on..... 66; 241; 253; 338; 394;
act for better ordering and governing of negroes and other slaves, approved Mch. 7, 1755..... 102;
persons deemed slaves..... 102;
guardians of negroes claiming freedom may bring action. 103;
defendant may plead general issue..... 103;
proviso..... 104;
defendant to give security to produce ward of plaintiff.... 104;
slaves not to be absent without letter or ticket..... 105;
penalty for violation..... 105;
penalty for giving ticket to slave without consent of master 105;
slaves refusing to be examined may be lawfully killed..... 105;

penalty for beating slaves without cause....106;
authority to disperse assembly of slaves....107;
penalty for refusing to execute justices' warrants....107;
reward for persons capturing runaway slaves....108; 121;
slaves tried for capital offenses....108;
for offences not capital....110;
oath administered on trial of....111;
evidence allowed against....111;
evidence allowed against free negroes....112;
crimes declared felony....112;
slaves attempting to raise insurrection to suffer death ..113;
punishment, how mitigated....113;
penalty for attempting to steal slaves....114;
slaves executed for crime appraised and treasurer required to pay for them....114;
persons compelled to appear and give evidence on trial of slaves....115;
persons refusing to appear bound over....115;
penalty for concealing slaves accused of capital crimes....115;
for concealing slaves accused of crimes not capital....116;
constables to cause execution....116;
malicious prosecution....116;
slaves may be impressed to inflict punishment....117;
penalty for working slaves on Sunday....117;
slaves not allowed use of fire arms....117; 118;
slaves who shall strike white persons....119;
runaway slaves, how apprehended and secured....120;
master shall pay for taking up runaway slaves....120;
constables to keep runaway slaves in safe custody....120;
penalty for neglect....121;
constables to provide for slaves at expense of owners....121;
constables fees, how recovered....122;
slaves unclaimed, how disposed of....123; 124;
penalty for harboring runaway slaves....124;
slaves not to buy or sell goods etc....125;
liquors not to be given or sold to....126;
slaves not to work out of owner's family without ticket....127;
slaves not allowed to keep boat or breed horses....128;
such property may be seized if kept....128;
oath taken by persons claiming goods seized....129;
persons living without limits of Savannah may license slaves to sell or barter in Savannah....130;
slaves found out of master's plantation without ticket....131;
not allowed to beat drum or blow horns for public meetings 131;
persons killing slaves, how punished....132;
penalty for exercising cruelty towards slaves....132;
penalty on owners failing to provide for....133;
owners responsible for cruelty to slaves....134;
slaves not to hire houses, etc....135;
not more than seven male slaves to travel together without

white person.....135,
time for labor limited.....136;
not to be taught to write.....136;
not to be kept on plantation without white person.....136;
white servants kept in proportion to slaves.....137;
reward for runaway slaves on southside of Alatamaha....137;
reward for scalps of deserted slaves.....138;
reward for runaway slaves south side of St. Johns.....138;
if captured alive, reward paid by owner.....138;
delivered to provost marshal if owner cannot be found....138;
fees allowed for capture of.....139;
provost marshal to publish description of.....139;
slaves not claimed sold at public outcry.....140;
slaves executed for desertion, how paid for.....140;
penalty on constables refusing to comply with act.....140;
offenders against act.....141;
persons sued may plead general issue.....141;
construction of act.....142;
fines and forfeitures, how collected and applied.....142; 143;
continuation of act.....144; 296; 621;
found abroad after certain hours, how punished.....213;
sale of spirituous liquors to forbidden.....223;
to be employed in building forts.....410; 434;
act for better ordering and governing of, and to prevent inveigling or carrying away, approved Mch. 25, 1765....649;
amendatory act, approved Mch. 6, 1766.....760.
See also negroes.
Sluthers, William, commissioner for Augusta.....205;
collector and assessor for Augusta.....244.
Smith, John, mentioned.....186;
commissioner for issuing paper certificate.....745;
for executing certain act.....793.
South Carolina, limit for persons in, submitting claims.....275;
grants witnessed by Governor of.....627;
duty on articles imported from colonies northward of....691;
ferry established in.....764.
Southeast district described.....90.
Southern district described.....90; 728.
Southern, most, district described.....91.
Southwest district described.....89.
Southwest, first, division described.....723.
Spencer, John, surveyor for fourth northwest district.....185;
commissioner for Savannah.....205;
for erecting forts.....413.
Spencer, William, superintendent of watch.....213;
commissioner for building churches.....264.
Spirituous liquors, act regulating, approved July 23, 1757.....218;
fines for selling without license.....218;
taverns to pay for license.....219;
license to continue in force one year.....219;

justices to determine fitness of applicants for license.....220;
no license granted without justice's certificate.....220;
certificate to specify place where tavern is to be kept.....221;
forfeit for selling without license.....221;
persons to whom license shall not be issued.....221;
justices empowered to enforce law.....222;
sale to Indians and negroes forbidden.....223;
fee of justices.....223;
forfeitures, how applied.....224;
transient persons selling, how punished.....487;
act continued.....496;
additional act, approved Mch. 25, 1765.....706;
sellers of spirituous liquors not to suffer gaming in houses..710;
amendatory act, passed Mch. 6, 1766.....751.
St. Andrew, parish of, described.....260;
church to be built in.....262; 263;
mentioned.....286; 583; 584; 726;
collectors and assessors for.....343; 399;
commissioners for.....413;
maintenance of minister for.....443;
appropriation for.....498;
surveyors for.....585.
St Catherine's Island, mentioned.....260.
St. Catherine's Bar, commissioners for.....516.
St. David, parish of, described.....690;
mentioned.....726.
Stephens, John, surveyor for Midway..... 91;
collector and assessor for Midway and Newport.....244.
Stevens, John, commissioner for Midway.....206;
commissioner of roads.....720.
Stewart, John, commissioner for erecting fort.....413;
commissioner of roads.....725.
Stewart, John, Sr., commissioner for Midway.....206.
Stewart, John, Jr., collector and assessor for St. John.....343.
Stewart, Robert, collector and assessor for St. Andrew.....343.
St. George, parish of described.....259;
church to be built in.....262; 263;
collectors and assessors for.....343; 398;
commissioners for.....413;
maintenance of minister for.....442;
appropriation for.....499;
mentioned.....721.
St. James, parish of described.....260;
church to be built in.....262; 263;
collectors and assessors for.....343; 399;
appropriation for.....498;
Jekyl Island added to.....690.
St. John, parish of described.....260;
church to be built in.....262; 263;
collectors and assessors for.....343; 398;

commissioners for 413;
maintenance of minister for 442;
appropriation for 498;
new road to be laid out in 505;
additional surveyors for 507;
mentioned ..... 583; 584; 725.
St. John's River, reward for runaway slaves on 138;
reward paid for taking negro on ..... 350.
St Katherine's Island, mentioned ..... 260.
St. Mary, parish of described 690;
mentioned ..... 726.
St. Mary River, mentioned ..... 689; 726.
St. Matthew, parish of described 259;
church to be built in 262; 263;
collectors and assessors for 343; 398;
commissioners for erecting forts 413;
maintenance for minister of 442;
appropriation for 498;
mentioned 720; 721;
St. Patrick, parish of described 690;
mentioned ..... 726.
St. Paul, parish of described 259;
parish church and burial place of 261;
collectors and assessors for 343; 398;
commissioners for 413;
maintenance of minister for 442;
appropriation for repairing church 499;
act for building fort and barracks in 639;
mentioned ..... 722.
St. Phillip, parish of described 260;
church to be built in 262; 263;
collectors and assessors for 343; 398;
commissioners for 413;
maintenance of minister for 442;
appropriation for 497;
mentioned ..... 724.
Street, John, inspector of lumber ..... 798.
St. Simons Island, mentioned 260;
act for repairing barracks on ..... 640.
St. Thomas, parish of described 690;
mentioned ..... 726.
Sturky, Casper, account of ..... 407.
Suits in law, see Actions.
Sunbury, mentioned 260; 544; 546; 584; 694; 725;
commissioners for 413;
new road from 505;
inspectors and cullers appointed for ..... 797.
Sunday, penalty for violation of 81; 117;
act for keeping holy, approved Mch. 4, 1762 ..... 508;
persons to observe and frequent some place public worship 508;

fine for neglect....508;
no tradesmen or others to work....509;
offenders to forfeit....509;
no merchandise or other goods to be sold....509;
no person to travel by land or water except to public worship or visit sick....509;
hunting, games, etc., prohibited....510;
no public house of entertainment to be kept open....510;
penalties for persons found drinking and keeper of public houses....510;
public houses to be inspected every Lord's day....511;
authorised to break open doors if necessary....511;
justices to examine offenders and issue warrants....511;
offenders to be set in stocks in default of payment....512;
dressing meat, etc., not prohibited by act....512;
warrants and writs not executed on Lord's day....513;
persons discharged....513;
persons sued may plead general issue....514;
read four times each year in places of worship....514.
Surveyors, see Commissioners, Lands, and Roads.
Sweetwater Run, mentioned....185.
Swinton, William, commissioner for erecting lookout and battery.475;
for regulating pilots and pilotage....516.

T.

Tannatt, Edmund, commissioner for issuing bills of credit....50; 439;
surveyor for southern district.... 90;
commissioner for repairing light house....351.
Tar, act to prevent frauds in selling.... 774.
Tatnall, Josiah, commissioners to purchase land from....792.
Taverns, punch houses, etc., act regulating, approved July 23, 1757 218;
act continued....496;
tavern keepers liable to fine for suffering gaming in their houses....615;
additional act, approved, Mch. 25, 1765....706;
act to amend and explain above act, approved Mch. 6, 1766 751.
Taxes, acts relative to..66; 164; 240; 308; 338; 420; 435; 497; 639; 691;
inhabitants to pay road tax.... 92;
tax on inhabitants to erect forts....253;
tax for establishing a watch in Savannah....290;
act to oblige masters of vessels, supercargoes and other transient persons importing goods to pay, approved Mch. 4, 1762....484;
transient persons to deliver on oath account of merchandise imported....484;
form of oath....485;
copy of manifest to be delivered treasurer....485;
security for payment of tax....485;
comptroller's fees....485;

treasurer's fees....485;
goods when liable to seizure....485;
goods seized to be sold at public outcry....486;
moneys arising from sale, how applied....486;
goods remaining unsold....486;
moneys arising from this tax, how applied....487;
transient persons selling liquors without license....487;
continuance of act....487;
persons exempted from tax....744;
general tax fund....746;
The Hand, mentioned....727.
Thilo, Charles, collector and assessor for Ebenezer....167.
Thomas, John, commissioner for Ebenezer....205;
commissioner of roads....722.
Thunderbolt, mentioned....727.
Titles to land and tenements established and confirmed....357.
Tondee, Peter, inspector of lumber....798.
Treutlen, John Adam, appointed commissioner of roads....721.
Tripp, Isaac, reimbursed for condemned negro....349.
Tripp, Thomas, account of....406.
Truan, William, commissioner for building forts and barracks....641.
Trustees Gardens, mentioned....719.
Turkey Hill, mentioned....723.
Turpentine, act to prevent frauds in selling....774.
Turtle River, mentioned....690.
Tybee Bar, commissioners for....516.
Tybee Island, mentioned....90; 349;
act for erecting lazaretto on, approved March 26, 1767....792.
act for regulating and well ordering, approved Mch. 26, 1767....814.
See also Light House.

U.

Uland, George, surveyor for southern district....90.

V.

Vagabonds, act for punishment of vagabonds and disorderly persons, erecting prisons, preventing trespasses and bartering with Indians, approved Feb. 29, 1764....588.
Vernonburg, collectors and assessors for....70; 168; 244;
mentioned....90; 183; 186; 728.
Vernon River, mentioned....90; 728;
Vessels, act to prevent masters of vessels carrying off persons in debt....460; 586;
act regulating pilotage of, approved Mch. 4, 1762....515;
commissioners named....516;
to recommend persons for appointment....516;
no person without license entitled to fee....517;

pilots licensed to give bond....517;
form of oath....518;
pilot, on conviction, shall make good damage or loss....519;
disputes between officers....519;
officers refusing to abide decree....519;
forfeitures, how applied....520;
pilots incapable or negligent, how punished....520;
vacancies, how filled....521;
commanders refusing to take licensed pilot on board....521;
rates of pilotage established....522;
master bringing vessels without pilot....522;
fine for pilot's refusing to conduct vessel....523;
master's security liable....523;
how pilots may recover....523;
further duty of pilots....524;
compensation of pilots....524;
coasting vessels, when liable for pilotage....525;
act to oblige vessels going out of port to produce passport approved April 7, 1763,....543;
approved Mch. 26, 1767....814;
masters of vessels not to throw ballast into rivers and creeks....553;
amendatory act, approved Mch. 6, 1766....769;
act to punish seamen or mariners deserting vessels, approved Mch. 6, 1767....780.
See also Quarantine and Light House.
Vice, act for preventing and punishing, approved Mch. 4, 1762 ..508.
Vincent, Thomas, collector and assessor for Savannah....244;
account for books for Assembly....350;
commissioner of roads....720.

W.

Waters, Thomas, commissioner for building fort and barracks....641;
commissioner of roads....722.
Watson, Charles, appointed surveyor....184;
commissioner for building churches....264.
Way, Parmenus, surveyor for Midway.... 91;
collector and assessor for St. John....343;
commissioner of roads....725.
Weatherspoon, John, surveyor for St. Andrew....585.
Weights and measures to be provided.... 83.
Wertsch, John Gasper, collector and assessor for Ebenezer....244;
collector and assessor for St. Mathew 343;
commissioner for erecting forts....413;
commissioner of roads....721.
West, Charles, surveyor for York district.... 91;
commissioner for Great Ogechee....205.
West, Mathias, surveyor for second northwest district.... 89;
collector and assessor for Abercorn and Goshen....167; 244.

Williams, John, commissioner for Augusta....205;
collector and assessor for Augusta....244.
Williams, John Francis, commissioner for building churches....499;
for building fort and barracks....641;
of roads....722.
Williams, Stephen, surveyor for St. Andrew....585;
commissioner of roads....726.
Wills, when registered.... 79.
Wilson, Joseph, commissioner for erecting fort....413.
Winn, John, commissioner for Midway....206;
commissioner for erecting fort....413.
Wood, Joseph, commissioner for securing and repairing light house.351.
Wright, Governor James, to give instructions relative to building.475;
forts and batteries....475;
certain property to become property of....527.
Wright, Jermyn and Charles, ferry and road established at plantation of....764
Wright, Joseph, commissioner of roads....720
Wylly, Alexander, collector and assessor for Savannah....244;
member committee to correspond with Wm. Knox....483;
commissioner for regulating pilots and pilotage....516;
for issuing certificates....645; 745;
of roads....720;
to execute certain act....793;

Y.

Yamacraw, mentioned....719.
Yonge, Henry, collector and assessor for Savannah.... 69;
surveyor for southeast district.... 90;
collector and assessor for Sea Islands....244;
commissioner for fixing rates....280;
trustee for purchasing house for Governors....390;
commissioner for erecting fort....413;
for issuing bills of credit....439;
for erecting fort and battery....475;
for building court house....578;
member committee to correspond with Wm. Knox....582.
Yonge, Isaac, commissioner for executing certain act.... 84.
Younge, Henry, commissioner for issuing bills of credit.... 50;
commissioner of roads....728.
Young, Isaac, surveyor for northwest district.... 88;
collector and assessor for Savannah....167;
commissioner of roads....720.
Young, William, commissioner of roads....719.
York district described.... 91.

Z.

Zetler, Mathias, surveyor for second northwest district..... 89
Zouberbuhler, Bartholomew, rector of Christ Church.....261;
account of.....406;
appointed trustee.....570; 571.
Zubly, John Joachim, slaves of, not liable to work on roads.....720;
mentioned.....723.

DATE DUE

GAYLORD			PRINTED IN U.S.A.

3 8198 309 295 440
THE UNIVERSITY OF ILLINOIS AT CHICAGO

F
281
C72
v.18